

AGENDA - COUNCIL MEETING - TUESDAY - DECEMBER 8, 2009 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Sullivan

1:30 P. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

2:00 P. M. - PUBLIC SPEAKERS - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - DECEMBER 9, 2009 - 9:00 A. M.

DESCRIPTIONS OR CAPTIONS OF AGENDA ITEMS WILL BE READ BY THE
CITY SECRETARY PRIOR TO COMMENCEMENT

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** to consider a Municipal Setting Designation ordinance (MSD) for CR V Hardy Yards L.P. for the site located at 1400 Fulton Street - **DISTRICT H - GONZALEZ**
2. **PUBLIC HEARING** to consider a Municipal Setting Designation ordinance (MSD) for D/J Venture for the site located at 3131 Argonne Street - **DISTRICTS A - LAWRENCE; B - JOHNSON; D - ADAMS; F - KHAN; G - HOLM; H - GONZALEZ and I - RODRIGUEZ**
3. **PUBLIC HEARING** on proposed airport hazard area regulations and the accompanying maps

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 4 through 64

MISCELLANEOUS - NUMBERS 4 through 6

4. CONFIRMATION of the reappointment of the following to the **ETHICS COMMITTEE** for two years:
Position Five - **MR. RICK CAGNEY**
Position Seven - **MR. JOHN JAY DOUGLASS**
5. REQUEST from Mayor for confirmation of the appointment of **MR. STEPHEN M. FRAGA**, to Position Eleven to the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY BOARD OF DIRECTORS**, for an unexpired term ending August 31, 2011
6. RECOMMENDATION from Director General Services Department for the designation of a residential parking permit area in the Super Neighborhoods of University Place and Washington Coalition/Memorial Park - **DISTRICTS C - CLUTTERBUCK and H - GONZALEZ**

ACCEPT WORK - NUMBER 7

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,181,869.91 and acceptance of work on contract with **LEM CONSTRUCTION CO., INC** for Improvement of Disinfecting Facilities at Sims Bayou and Bellaire Braes Pump Station - 2.17% under the original contract amount - **DISTRICTS D - ADAMS and F - KHAN**

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 through 15

8. **NEWMAN & NEWMAN, INC** for Consulting Services for Expansion of the "Together Against the Weather" Community Outreach for Special Needs Population for the Administration & Regulatory Affairs Department - \$95,600.00 - Grant Fund
9. **AAA ASPHALT PAVING, INC** for Parking Improvements at Lot "C", 1600 Memorial Drive for the General Services Department - \$214,231.50 and contingencies for a total amount not to exceed \$235,654.65 - Enterprise Fund
10. **ACUSHNET COMPANY** for Resale Items for Golf Course Pro Shops for Parks and Recreation Department - \$140,000.00 - Park Special Revenue Fund
11. ORDINANCE appropriating \$17,547.04 out of Equipment Acquisition Consolidated Fund for Purchase of Utility Vehicles for the Houston Police Department
 - a. **PHILPOTT MOTORS, LTD.** for Purchase of Utility Vehicles through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Houston Police Department \$167,543.04 - Equipment Acquisition Consolidated Fund
12. **KEMIRA WATER SOLUTIONS, INC (Bid No. 2)** for Chemical, Inorganic Metal Salt Coagulant for Department of Public Works & Engineering - \$1,583,182.00 - Enterprise Fund
13. **SOUTHERN IONICS** for Chemical, Aqua Ammonia for Department of Public Works & Engineering \$1,346,873.89 - Enterprise Fund
14. **AMEND MOTION 2007-533, 6/6/07, TO INCREASE** spending authority from \$300,550.00 to \$375,687.50 for Onan Generator Replacement Parts and Repair Services for Various Departments - \$75,137.50 - General Fund

PURCHASING AND TABULATION OF BIDS - continued

15. RECOMMENDATION from Director Information Technology to approve spending authority for Purchase of Tech-Related Products/Services through the Texas Department of Information Resources (DIR) and the Master Intergovernmental Cooperative Purchasing Agreement for Various Departments to the DIR contract holders and U. S. Communities Lead Public Agency contractors as shown below:

DIR - \$75,000,000.00

GTSI CORP. - \$6,000,000.00

INSIGHT PUBLIC SECTOR, INC - \$1,000,000.00

SOLUTIONS4SURE.COM, INC d/b/a TECH DEPOT - \$1,000,000.00

ORDINANCES - NUMBERS 16 through 64

16. ORDINANCE **AMENDING ARTICLE V OF CHAPTER 33 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to trees, shrubs and screening fences; containing findings and other provisions relating to the foregoing subject; providing for severability
17. ORDINANCE **AMENDING ARTICLE XVII OF CHAPTER 40 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to impairments and obstructions of roadways and sidewalks; containing other provisions relating to the foregoing subject; providing for severability
18. ORDINANCE relating to rates for Contract Treated Water Service; **AMENDING CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**; containing findings and provisions related to the subject; providing a repealing clause
19. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **LANGWOOD SUBDIVISION, SECTION 2** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - LAWRENCE**
20. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **WESTWOOD SUBDIVISION, SECTIONS 1, 5 and SECTION 2 REPLAT** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT C - CLUTTERBUCK**
21. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **WESTWOOD SUBDIVISION, SECTION 4 and WESTWOOD SUBDIVISION, SECTION 5 REPLAT** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT C - CLUTTERBUCK**
22. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **SUGAR VALLEY SUBDIVISION** to prohibit the parking of vehicles in the front or side yards of such residences **DISTRICT D - ADAMS**
23. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **LEAWOOD SUBDIVISION, SECTIONS 1 - 3 and 5** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT F - KHAN**
24. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **ANDOVER PLACE SECTIONS 1 and 3 - 5, ANDOVER PLACE SECTION 2 REPLAT, EASTMORE, SOUTHVIEW REPLAT AND FAIRLAWN PLACE SUBDIVISIONS** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT I - RODRIGUEZ**

ORDINANCES - continued

25. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **MAXCY ESTATES SUBDIVISION, SECTIONS 1 AND 2** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT I - RODRIGUEZ**
26. ORDINANCE supplementing the City of Houston, Texas Master Ordinance No. 2004-299, providing for the issuance of Combined Utility System Revenue and Refunding Obligations and authorizing issuance of City of Houston, Texas, Combined Utility System First Lien Revenue and Refunding Bonds, Series 2009B, providing for the amounts, interest rates, prices, and terms thereof and other matters relating thereto; providing for the payment thereof; making other provisions regarding such Bonds and matters incident thereto; authorizing the defeasance, final payment, and discharge of Certain Combined Utility System Commercial Paper Notes; Designating a Segregated Account; authorizing a Bond Counsel Agreement, authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency
27. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Kleberg Street, Fayette Street and Val Verde Street, each from McCulloch Circle to Yorktown Street (Parcels SY3-046A through SY3-046C, respectively), and four utility easements and attendant aerial easements (Parcels SY3-046D through SY3-046G); abandoning said streets and easements to Houston Independent School District in exchange for the conveyance to the City of three 20-foot wide utility easements (Parcel VY4-001A through VY4-001C) and certain payments to the City - **DISTRICT C - CLUTTERBUCK**
28. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Hemphill Street, from Crockett Street to Shearn Street, located in the Baker, Shearne & Riordan Addition, N.S.B.B., John Austin Two League Grant, A-1, Houston, Harris County, Texas (Parcel SY8-046): vacating and abandoning said street to Houston Independent School District, the abutting owner, in consideration of its payment of \$323,826.00, and other consideration to the City - **DISTRICT H - GONZALEZ**
29. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of (1) Loretto Street, from Richmond Avenue north to its terminus, (2) Colquitt Street, from Mandell Street to Loretto Street, (3) 3,675 square feet, more or less, of excess Mandell Street Right-of-Way, and (4) The Camp Logan Sanitary Sewer Line (Parcels SY9-048A through SY9-048E); vacating and abandoning said Street Rights-of-way and easement to Menil Foundation, Inc, and the Richmond Corporation, abutting owners, in consideration of (A) Owners' conveyance to the City of (i) Full-width underground utility easements beneath the abandoned Loretto Street and Colquitt Street Rights-of-way (Parcels VY9-030A and VY9-030B), and (ii) 17,040 square feet of land for the expansion of Richmond Avenue Right-of-way (Parcels AY9-460A and AY9-460B), located in the 1410 Richmond Avenue Subdivision, South Lancaster Place, and Lancaster Place Extension No. 2, all out of the O. Smith Survey, Houston, Texas, (B) various obligations undertaken by owners and the City in a Real Property exchange agreement among owners and the City, and (C) other good and valuable consideration; approval of and authorization for the City to enter into said Real Property Exchange Agreement **DISTRICT D - ADAMS**
30. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 386 (Now known as HARRIS-MONTGOMERY COUNTIES MUNICIPAL UTILITY DISTRICT NO. 386)**; amending Ordinance No. 2004-1170 relating thereto
31. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 387 (Now known as HARRIS-MONTGOMERY COUNTIES MUNICIPAL UTILITY DISTRICT NO. 387)**; amending Ordinance No. 2006-489 relating thereto

ORDINANCES - continued

32. ORDINANCE authorizing the Mayor to execute a Sub-recipient Agreement with the **TEXAS DIVISION OF EMERGENCY MANAGEMENT (TDEM)** to accept FY09 Regional Catastrophic Preparedness Grant Program Funding and authorizing the Director of the Mayor's Office of Public Safety & Homeland Security to request and/or accept any amendments or modifications to this agreement or any subsequent agreements necessary to secure the City's allocations through these grant programs - \$3,617,000.00 - Grant Fund
33. ORDINANCE authorizing the Mayor to execute a Sub-recipient Agreement with the **TEXAS DIVISION OF EMERGENCY MANAGEMENT (TDEM)** to accept FY09 Homeland Security Grant Program Funding and authorizing the Director of the Mayor's Office of Public Safety & Homeland Security to request and/or accept any amendments or modifications to this agreement or any subsequent agreements necessary to secure the City's allocations through these grant programs \$17,101,370.00 - Grant Fund
34. ORDINANCE relating to the rescheduling or postponement of certain City Council meetings
35. ORDINANCE appropriating any and all funds contributed to and received into the Contractors' Responsibility Fund (Established by Ordinance No. 2007-0931 for the purpose of defraying the costs of health benefits to small employers who were previously uninsured) through the end of Fiscal Year 2010; approving and authorizing contract with **TEXHEALTH HARRIS COUNTY 3-SHARE, INC** to market and provide such benefits
36. ORDINANCE relating to the fiscal affairs of the Old Spanish Trail/Almeda Corridors Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER SEVEN, CITY OF HOUSTON, TEXAS (OLD SPANISH TRAIL/ALMEDA CORRIDORS ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority and the Fiscal Year 2010-2014 Capital Improvement Budget for the Zone - **DISTRICTS D - ADAMS and I - RODRIGUEZ**
37. ORDINANCE approving and authorizing agreement between the City of Houston, Texas, **THE HARDY/NEAR NORTHSIDE REDEVELOPMENT AUTHORITY**, and **REINVESTMENT ZONE NUMBER TWENTY-ONE, CITY OF HOUSTON, TEXAS (HARDY/NEAR NORTHSIDE ZONE)** in connection with the City's Reinvestment Zone Number Twenty-One over the Hardy/Near Northside area; approving the Fiscal Year 2010 Operating Budget for the Authority as provided for in the Agreement - **DISTRICT H - GONZALEZ**
38. ORDINANCE approving first amended Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER TWENTY-ONE, CITY OF HOUSTON, TEXAS (HARDY/NEAR NORTHSIDE ZONE)**; authorizing the City Secretary to distribute such plans **DISTRICT H - GONZALEZ**
39. ORDINANCE approving and authorizing Customer Service Agreement among the City of Houston, **TEXAS NICUSA, LLC** and the **STATE OF TEXAS** for Online Payment Services for the Municipal Courts Administration and Planning & Development Departments - Revenue
40. ORDINANCE appropriating \$3,515,246.00 out of Houston Airport System Consolidated 2004 AMT Fund and \$61,517.00 out of Airports Improvement Fund, awarding Construction Manager At Risk Contract to **MANHATTAN CONSTRUCTION COMPANY** for Renovations at Terminal D at George Bush Intercontinental Airport/Houston (Project 500N); providing funding for the Civic Art Program - **DISTRICT B - JOHNSON**
41. ORDINANCE approving and authorizing Amendment No. 1 to Private Switch Provider Service Agreement between the City of Houston and **GREATER HARRIS COUNTY 9-1-1 EMERGENCY NETWORK** for the Houston Airport System - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

ORDINANCES - continued

42. ORDINANCE approving and authorizing contract between the City and **MONTROSE COUNSELING CENTER, INC** for Elderly Services provided through the Harris County Area Agency on Aging; providing a maximum contract amount - \$118,944.00 - Grant Fund
43. ORDINANCE approving and authorizing second amendment to the Grant Agreement between the City of Houston and **WILLIAM A. LAWSON INSTITUTE FOR PEACE & PROSPERITY DISTRICT D - ADAMS**
44. ORDINANCE approving and authorizing agreement between the City of Houston, **FAMILY HOUSING DEVELOPMENT CORPORATION** and **AMEGY BANK** to provide a Second Lien Construction Loan of Federal "HOME" Funds in the amount of \$700,000.00 for eligible costs in connection with the construction of ten (10) affordable homes - **DISTRICT H - GONZALEZ**
45. ORDINANCE approving and authorizing Performance Based Loan Agreement between the City of Houston and **JACKSON HINDS GARDENS, INC ("Owner")**, to provide \$1,200,000 in Community Development Block Grant Funds to pay off the Senior Loan owed by owner to Houston Housing Finance Corporation relating to the acquisition and renovation of a 90-unit very low income single room occupancy project located at 607 Thornton Road, Houston, Texas **DISTRICT H - GONZALEZ**
46. ORDINANCE approving and authorizing agreement between the City of Houston and **HOLLY VIEW APARTMENTS, LLC** to provide a \$8,020,000.00 Performance-Based Loan of Federal "CDBG-DR" Funds for hard costs to repair and rehabilitate Hollyview Apartments located at 5555 Holly View Drive, Houston, Texas, of which 166 units will be restricted as CDBG Affordable Floating Units for a period of five years for residents whose annual income does not exceed 80% of AMI at rents not to exceed high home rent limits - **DISTRICT B - JOHNSON**
47. ORDINANCE approving and authorizing agreement between the City of Houston and **STERLING GROVE L.P.** to provide a \$11,943,067.00 Performance-Based Loan of Federal "CDBG-DR" Funds for hard costs to repair and rehabilitate Sterling Grove Apartments located at 6420 Antoine, Houston, Texas, of which 172 units will be restricted as CDBG Affordable Floating Units for a period of five years for families whose annual income does not exceed 80% of AMI at rents not to exceed high home rent limits - **DISTRICT B - JOHNSON**
48. ORDINANCE approving and authorizing agreement between the City of Houston and **7600 RE, L.P.** to provide a \$5,475,000.00 Performance-Based Loan of Federal "CDBG - DR" Funds for costs to repair and rehabilitate Creekbend Apartments located at 7600 Creekbend, Houston, Texas, of which 100 units will be restricted to CDBG standards all of which must be leased to tenants with 80% or less of the AMI at rents not to exceed high home rent restrictions - **DISTRICT C - CLUTTERBUCK**
49. ORDINANCE amending City of Houston Ordinance No. 2008-1051 passed on November 19, 2008, which approved and authorized substantial amendment to the 2008 Consolidated Action Plan ("Plan") by adding a new grant for the Neighborhood Stabilization Program ("NSP"), to redistribute funding for projects under the NSP - **DISTRICTS A - LAWRENCE; B - JOHNSON; D - ADAMS; E - SULLIVAN; H - GONZALEZ and I - RODRIGUEZ**

ORDINANCES - continued

50. ORDINANCE approving Lease Agreement with the **HERITAGE SOCIETY** for Sam Houston Park and the buildings thereon - **DISTRICT I - RODRIGUEZ**
51. ORDINANCE approving and authorizing first amendment to contract for Latent Print Support Services between the City and **RON SMITH & ASSOCIATES, INC** to provide Management Services to the Houston Police Department's Identification Division; providing a maximum contract amount - 2 Years - \$4,000,000.00 - General Fund
52. ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON ARTS ALLIANCE** for Professional Civic Art and Conservation Administration Services on behalf of General Services Department; providing a maximum contract amount - (\$116,932.92 Previously appropriated)
53. ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON ARTS ALLIANCE** for Professional Civic Art and Conservation Administration Services on behalf of the Houston Airport System; providing a maximum contract amount - (\$2,548,000.00 Previously appropriated) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**
54. ORDINANCE appropriating \$217,974.00 out of Street & Bridge Consolidated Construction Fund and awarding construction contract to **USA ENVIRONMENT, L.P.** for Soil Disposal for Right-of-way Fleet Maintenance Facility at 100 Japhet Street and 1700 East Crosstimbers Street; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for project management and construction oversight services and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT H - GONZALEZ**
55. ORDINANCE approving and authorizing four contracts between the City of Houston and **PAYLESS INSULATION, INC, DIRECT ENERGY LP, STANDARD RENEWABLE ENERGY LP,** and **PMG PROJECT MANAGEMENT LLC** for the Residential Energy Efficiency Program (REEP); containing provisions relating to the subject; establishing a maximum contract price 3 Years - \$5,000,000.00 each - American Recovery & Reinvestment Act Funds
56. ORDINANCE approving and authorizing Professional Residential Post Weatherization Home Inspection Contract between the City of Houston and the **NELROD COMPANY** for the Residential Energy Efficiency Program (REEP) - 3 Years - \$2,500,000.00 - American Recovery & Reinvestment Act Funds
57. ORDINANCE appropriating \$9,613.00 out of Public Library Consolidated Construction Fund for Asbestos Abatement and Disposal at Elizabeth L. Ring Branch Library - **DISTRICT A - LAWRENCE**
58. MUNICIPAL setting designation ordinance prohibiting the use of designated groundwater beneath 1.003 acres of land commonly known as 8200 Southwest Freeway, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission On Environmental Quality; providing for severability - **DISTRICT F - KHAN**
59. MUNICIPAL setting designation ordinance prohibiting the use of designated groundwater beneath a tract of land containing 3.4231 acres commonly known as 2806-2818 Hullsmith Drive, and a portion of the Westheimer Road Right of way, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality **DISTRICT G - HOLM**

ORDINANCES - continued

60. ORDINANCE awarding contract to **SYNAGRO OF TEXAS-CDR, INC** at the Southeast Water Purification Plant for On-site Water Treatment, Sludge Dewatering and Disposal Services; providing a maximum contract amount - 3 Years with two one-year options - \$2,007,600.00 Enterprise Fund
61. ORDINANCE awarding contract to **ANCON MARINE** at the Northeast Water Purification Plant for On-site Water Treatment, Sludge Dewatering and Disposal Services; providing a maximum contract amount - 3 Years with two one-year options - \$3,531,558.00 - Enterprise Fund
62. ORDINANCE awarding contract to **WESTERN HORTICULTURAL SERVICES, L.P.** for Landscaping Services for the Convention and Entertainment Facilities Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,481,898.00 - Enterprise Fund
DISTRICT I - RODRIGUEZ
63. ORDINANCE approving and authorizing Professional Services Contract between the City of Houston, Texas and **SIEMENS INDUSTRY, INC** for Negotiated Work Orders for Investment Grade Audit of various City Waste Water Treatment Facilities; preparing for compensation to be paid by the City - \$7,500,000.00 - Combined Utility System General Purpose Fund
64. ORDINANCE appropriating \$324,243.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **IDC, INC** for Safe Routes to School Program; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 65 through 69

MISCELLANEOUS

65. RECEIVE nominations for appointments to Positions 6, 7, 8 and 9 of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE (ST. GEORGE PLACE), CITY OF HOUSTON, TEXAS** for terms to expire December 31, 2011, and for Chair for a term to expire December 31, 2010
66. RECEIVE nominations for appointments to Positions 18, 19, 20, 21 and 22 of the **HOUSTON READ COMMISSION** for three year staggered terms from the date of appointment
67. **SET HEARING DATE** regarding amendment to the Project Plan and Reinvestment Zone Financing Plan for **TAX INCREMENT REINVESTMENT ZONE NUMBER NO. 2 (MIDTOWN ZONE)** - **DISTRICTS D - ADAMS and I - RODRIGUEZ**
SUGGESTED HEARING DATE - 9:00 A. M. - WEDNESDAY - NOVEMBER 18, 2009
68. **SET HEARING DATE** to consider a Municipal Setting Designation ordinance (MSD) for Annie D. Adams Family Partnership, Ltd. for the site located at 1025 Lockwood Drive - **DISTRICTS B - JOHNSON; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ**
SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - JANUARY 27, 2010

NON CONSENT AGENDA - continued

MISCELLANEOUS - continued

69. REVIEW on the record and make determination relative to the appeal from the decision of the General Appeals Board, filed by **REID C. WILSON, on behalf of Maryland Manor Associates/Buckhead Investment Partners, Inc** on the denial of Building Permit for Sitework and Foundation at 1717 Bissonnet - **DISTRICT C - CLUTTERBUCK**

MATTERS HELD - NUMBERS 70 through 94

70. MOTION by Council Member Khan/Seconded by Council Member Green to adopt recommendation from Director Department of Public Works & Engineering, reviewed by the Joint Referral Committee, on request from Ryan Taaffe of Orr Commercial, on behalf of OCT Heights, LTD (Robert C. Orr, Jr., General Partner), for abandonment and sale of a 15-foot-wide prescriptive utility easement, from the northern line of Lots 8 and 27, Block 324, south ±581.97 feet to the H.T. & C. Railroad Company right-of-way, in exchange for the conveyance to the City of a 15-foot-wide utility easement, from the southern end of the remaining alley, east to Heights Boulevard, all located within the Houston Heights Subdivision, out of the John Austin Two Leagues Survey, Parcels SY10-012 and VY10-032 - **DISTRICT H - GONZALEZ**
TAGGED BY COUNCIL MEMBER GONZALEZ
This was Item 7 on Agenda of December 2, 2009

NOTE: ITEMS 71 THROUGH 87 WERE TAGGED BY COUNCIL MEMBER SULLIVAN

These were Items 17 through 33 on Agenda of December 2, 2009

71. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **5 SHADOW LAWN STREET** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events; providing for severability - **DISTRICT C - CLUTTERBUCK**
72. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **224 WEST 16TH STREET** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events; providing for severability - **DISTRICT H - GONZALEZ**
73. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **4 COURTLANDT PLACE** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events; providing for severability - **DISTRICT D - ADAMS**
74. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **1515 SOUTH BOULEVARD** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT C - CLUTTERBUCK**
75. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **912 WEST TEMPLE AVENUE** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ**

MATTERS HELD – continued

76. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **2232 BRENTWOOD DRIVE** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT D - ADAMS**
77. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **2175 TROON ROAD** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - HOLM**
78. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **1046 HARVARD STREET** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ**
79. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **3740 WILLOWICK ROAD** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - HOLM**
80. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **3223 INWOOD DRIVE** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - HOLM**
81. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **2947 INWOOD DRIVE** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - HOLM**
82. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **1801 LUBBOCK STREET** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ**
83. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **417 SAN JACINTO STREET** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT I - RODRIGUEZ**
84. ORDINANCE providing for an ad valorem tax exemption on a significant historic structure located at **910 PRAIRIE STREET** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT I - RODRIGUEZ**
85. ORDINANCE providing for an ad valorem tax exemption on a significant historic structure located at **307 TRAVIS STREET** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT I - RODRIGUEZ**

MATTERS HELD – continued

86. ORDINANCE providing for an ad valorem tax exemption on a significant historic structure located at **813 CONGRESS STREET** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT I - RODRIGUEZ**
87. ORDINANCE providing for an ad valorem tax exemption on a significant historic structure located at **305 TRAVIS STREET** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT I - RODRIGUEZ**
88. ORDINANCE amending Ordinance Number 2007-534 relating to health benefits for employees of City Contractors and responsibility of bidders on certain City contracts - **TAGGED BY COUNCIL MEMBERS BROWN, KHAN, GREEN and SULLIVAN**
This was Item 37 on Agenda of December 2, 2009
89. ORDINANCE appropriating \$180,000.00 out of TIRZ Affordable Housing Fund 2409 and approving and authorizing Development Agreement between the City and **GREATER HOUSTON DEVELOPMENT, INC** to develop two (2) affordable single-family homes in the Trinity Gardens Area to be sold to qualified low-income and very low-income families - **DISTRICT B - JOHNSON**
TAGGED BY JOHNSON, CLUTTERBUCK and NORIEGA
This was Item 41 on Agenda of December 2, 2009
90. ORDINANCE declaring the City's eligibility for the Recovery Act Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice, as managed by the Governor's Criminal Justice Division; approving and authorizing the application for and acceptance of such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Director of the Mayor's Office of Public Safety and Homeland Security to accept and manage such grant funds - \$109,248.00 - Grant Fund - **TAGGED BY COUNCIL MEMBER LAWRENCE**
This was Item 42 on Agenda of December 2, 2009
91. ORDINANCE amending Ordinance No. 2007-821 (Passed on July 11, 2007) to increase the maximum contract amount and approving and authorizing amended contract between the City of Houston and **MUNICIPAL CODE CORPORATION** for Codification Services for the City Code for the Legal Department - \$115,000.00 - General Fund
TAGGED BY COUNCIL MEMBER LAWRENCE
This was Item 46 on Agenda of December 2, 2009
92. ORDINANCE appropriating \$131,000.00 out of Convention & Entertainment Construction Fund as an additional appropriating to Professional Engineering Services Contract between the City of Houston and **WALTER P. MOORE AND ASSOCIATES, INC** for Theatre District Parking Structural Assessment and Repairs (Approved by Ordinance No. 2006-530) - **DISTRICT I - RODRIGUEZ** - **TAGGED BY COUNCIL MEMBER LAWRENCE**
This was Item 58 on Agenda of December 2, 2009
93. ORDINANCE appropriating \$592,728.00 out of TIRZ Affordable Housing Fund and approving and authorizing Developer Participation Contract between the City of Houston and **CFG TX GP, LLC** for Reimbursement of costs for paving in Settegast - **DISTRICT B - JOHNSON**
TAGGED BY COUNCIL MEMBER HOLM
This was Item 71 on Agenda of December 2, 2009

MATTERS HELD – continued

94. ORDINANCE approving and authorizing Amendment No. 2 to Parking Operations and Management Concession Agreement between the City of Houston and **NEW SOUTH PARKING - TEXAS** for the Houston Airport System; amending Ordinance No. 2004-888 to increase the maximum contract amount - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**
TAGGED BY COUNCIL MEMBER CLUTTERBUCK

This was Item 106 on Agenda of December 2, 2009

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Brown first

ALL ORDINANCES ARE TO BE CONSIDERED ON AN EMERGENCY BASIS AND TO BE PASSED ON ONE READING UNLESS OTHERWISE NOTED, ARTICLE VII, SECTION 7, CITY CHARTER

NOTE - WHENEVER ANY AGENDA ITEM, WHETHER OR NOT ON THE CONSENT AGENDA, IS NOT READY FOR COUNCIL ACTION AT THE TIME IT IS REACHED ON THE AGENDA, THAT ITEM SHALL BE PLACED AT THE END OF THE AGENDA FOR ACTION BY COUNCIL WHEN ALL OTHER AGENDA ITEMS HAVE BEEN CONSIDERED

CITY COUNCIL RESERVES THE RIGHT TO TAKE UP AGENDA ITEMS OUT OF THE ORDER IN WHICH THEY ARE POSTED IN THIS AGENDA. ALSO, AN ITEM THAT HAS BEEN TAGGED UNDER CITY COUNCIL RULE 4 (HOUSTON CITY CODE §2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING

1
DEC 09 2009

MOTION NO. 2009 0700

MOTION by Council Member Khan that the recommendation of the Department of Public Works and Engineering, to set a hearing date to consider adopting a Municipal Setting Designation Ordinance (MSD) for CR V Hardy Yards L.P., for the site located at 1400 Fulton Street, Houston, TX 77009, be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, December 9, 2009 in the City Council Chamber, Second Floor, City Hall.

Seconded by Council Member Lovell and carried.

Mayor White, Council Members Lawrence, Johnson,
Clutterbuck, Adams, Sullivan, Khan, Holm, Gonzalez,
Rodriguez, Brown, Lovell and Jones voting aye
Nays none
Council Member Green absent

Council Member Noriega absent on personal business

PASSED AND ADOPTED this 23rd day of September 2009.

Pursuant to Article VI, Section 6 of the City Charter, the
effective date of the foregoing motion is September 29, 2009.


City Secretary

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | |
|---|-----------------------|-----------------------------------|
| SUBJECT: Motion establishing a public hearing date to consider adopting a Municipal Setting Designation Ordinance for CR V Hardy Yards L.P. for the Site located at 1400 Fulton Street, Houston, TX 77009. (MSD # 2009-18-Hardy Yards) | Page 1 of 1 | Agenda Item # <u>54</u> |
|---|-----------------------|-----------------------------------|

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|--|-------------------------|--|
| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date | Agenda Date SEP 29 2009 |
|--|-------------------------|--|

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| DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE, Director | Council District affected: H |
|---|--|

| | |
|--|---|
| For additional information contact: Carol A. Ellinger, P.E. Senior Assistant Director (713) 837-7658 Richard J. Chapin, Senior Project Manager (713) 837-0421 | Date and identification of prior authorizing Council action: 8/22/2007 – 2007-0959 |
|--|---|

RECOMMENDATION: (Summary)
Establish a public hearing date to consider adopting a Municipal Setting Designation (MSD) Ordinance for CR V Hardy Yards L.P. for the site located at 1400 Fulton Street, Houston, TX 77009.

Amount and Source of Funding: N/A *Wld 12/9/09 9 am*

BACKGROUND: In 2003, the Texas Legislature authorized the creation of Municipal Setting Designations (MSDs), which would designate an area in which the use of contaminated groundwater is prohibited for use as potable water. The law is administered by TCEQ and requires local City support to designate an MSD. The intent of the legislation is to encourage redevelopment of vacant or abandoned properties while protecting the public health. On August 22, 2007, City Council approved an Ordinance amending Chapter 47 of the Code of Ordinances by adding Article XIII relating to groundwater, which provides a process to support or not support a MSD application to the State. This Ordinance requires a written public notice be mailed to property owners within 2,500 feet of a proposed MSD and owners/operators of potable water wells within 5 miles of a proposed MSD. In addition, a public meeting and a public hearing are required to be held prior to City Council consideration of support.

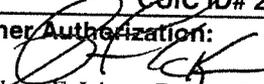
CR V HARDY YARDS L.P. APPLICATION: CR V Hardy Yards L.P. is seeking a MSD for 36.9-acres of land located at 1400 Fulton Street, Houston, TX 77009. The contamination consists of 1,1,1-trichloroethane (1,1,1-TCA), 1,1,2-trichloroethane (1,1,2-TCE), 1,1-dichloroethene (1,1-DCE), 1,2-dichloroethane (1,2-DCA), cis-1,2-dichloroethene (cis-1,2-DCE), trans-1,2-dichloroethene (trans-1,2-DCE), 1,2-dibromoethane (1,2-DBE), 1,2-dichloropropane (1,2-DCP), tetrachloroethene (PCE), trichloroethene (TCE), vinyl chloride (VC), benzene, tert-butylbenzene, carbon tetrachloride, and methyl tert-butyl ether (MTBE). The property was the location of a rail yard and associated maintenance and servicing facilities from the late 1870s until 1999. The current owners, CR V Hardy Yards, L.P. purchased the property in November 2005. There was a chlorinated solvent plume in the upper and secondary zones of the Groundwater Bearing Unit, which are delineated and stable. A weathered diesel plume was discovered in the upper zone, which is delineated and stable. The property has been entered into the Voluntary Cleanup Program, both the chlorinated solvent plumes and the organic plume have been issued a Conditional Certificate of Completion. A public meeting will be held on 11/5/2009 6:30:00 PM at the United Way, 50 Waugh Drive, Houston, TX 77007.

CR V Hardy Yards L.P. is seeking a MSD for this property to restrict access to groundwater to protect the public against exposure to contaminants. There is a public drinking water supply system that meets state requirements that supplies or is capable of supplying drinking water to the MSD property and all properties within one-half mile of the MSD property.

RECOMMENDATIONS: City Ordinance requires City Council to hold a public hearing before adopting a Municipal Setting Designation Ordinance (MSD). The Department of Public Works and Engineering recommends establishing a public hearing date not sooner than six weeks from passage of the Motion and directing the City Secretary to publish notice of the hearing no less than thirty (30) calendar days before the public hearing date for CR V Hardy Yards L.P. for the site located at 1400 Fulton Street, Houston, TX 77009.

MSM:AFI:CAE
P:\PLANNING BRANCH\MSD\DATABASE\GENERIC RCA - PUBLIC HEARING.DOC
C: Marty Stein, Waynette Chan, Gary Drabek, Ceil Price

REQUIRED AUTHORIZATION **CUTC ID# 20CAE50**

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|----------------------------|---|-----------------------------|
| Finance Department: | Other Authorization:  Andrew F. Icken., Deputy Director Planning and Development Services Division | Other Authorization: |
|----------------------------|---|-----------------------------|

2

DEC 09 2009

MOTION NO. 2009 0725

MOTION by Council Member Lawrence that the recommendation of the Director of the Department of Public Works and Engineering, to set a hearing date to consider a Municipal Setting Designation Ordinance (MSD) for D/J Venture for the Site located at 3131 Argonne Street, (MSD #2008-009-DJV), be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, December 9, 2009 in the City Council Chamber, Second Floor, City Hall.

Seconded by Council Member Green and carried.

Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Noriega, Green and Jones voting aye
Nays none

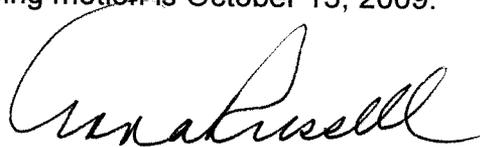
Mayor White absent on personal business

Council Member Clutterbuck out of the City on City business

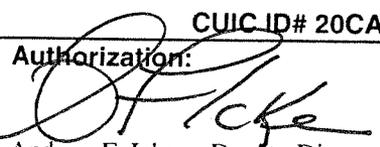
Vice Mayor Pro Tem Lovell presiding

PASSED AND ADOPTED this 7th day of October 2009.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is October 13, 2009.


City Secretary

2009-025

| | | | |
|---|--|---|---------------------------------|
| SUBJECT: Motion establishing a public hearing date to consider adopting a Municipal Setting Designation Ordinance for D/J Venture for the Site located at 3131 Argonne Street. (MSD # 2008-009-DJV) | | Page 1 of 1 | Agenda Item # 177 |
| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date 10/1/09 | Agenda Date 08/07/2009 | |
| DIRECTOR'S SIGNATURE: <i>MS</i>  Michael S. Marcotte, P.E., D.WRE, BCEE, Director | Council District affected: C A, B, D, F, G, H, and I within 5 miles of site. | | |
| For additional information contact: Carol A. Ellinger, P.E. Senior Assistant Director (713) 837-7658 Richard J. Chapin, Senior Project Manager (713) 837-0421 | Date and identification of prior authorizing Council action: 8/22/2007 – 2007-0959 | | |
| RECOMMENDATION: (Summary) Establish a public hearing date to consider adopting a Municipal Setting Designation (MSD) Ordinance for the site located at 3131 Argonne Street. | | | |
| Amount and Source of Funding: N/A | | | |
| BACKGROUND: In 2003, the Texas Legislature authorized the creation of Municipal Setting Designations (MSDs), which would designate an area in which the use of contaminated groundwater is prohibited for use as potable water. The law is administered by TCEQ and requires local City support to designate an MSD. The intent of the legislation is to encourage redevelopment of vacant or abandoned properties while protecting the public health. On August 22, 2007, City Council approved an Ordinance amending Chapter 47 of the Code of Ordinances by adding Article XIII relating to groundwater, which provides a process to support or not support a MSD application to the State. This Ordinance requires a written public notice be mailed to property owners within 2,500 feet of a proposed MSD and owners/operators of potable water wells within 5 miles of a proposed MSD. In addition, a public meeting and a public hearing are required to be held prior to City Council consideration of support. | | | |
| D/J VENTURE APPLICATION: D/J Venture is seeking a MSD for 0.49-acres of land located at 3131 Argonne Street. The contamination consists of tetrachloroethene (PCE), trichloroethene (TCE), 1,2-dichloroethane (1,2-DCA), cis-1,2-dichloroethene (cis-1,2-DCE), and vinyl chloride (VC). Built in the 1980s and demolished in 2003, the Kettle Offices building was the only development on the site. The site is currently used as a restaurant parking lot. Since the 1940s, there have been commercial and manufacturing businesses around the site. Environmental investigations have identified contamination in the soils and groundwater. However, no contributing source on the surface has been identified as the source for contamination in the groundwater. Based on environmental sampling, the groundwater contaminant plume appears to be stable and is on average 35 feet below ground surface. A public meeting was held at 4/7/2009 6:30:00 PM at the Upper Kirby District Center 3015 Richmond Avenue. | | | |
| D/J Venture is seeking a MSD for this property to restrict access to groundwater to protect the public against exposure to contaminants. There is a public drinking water supply system that meets state requirements that supplies or is capable of supplying drinking water to the MSD property and all properties within one-half mile of the MSD property. | | | |
| RECOMMENDATIONS: City Ordinance requires City Council to hold a public hearing before adopting a Municipal Setting Designation Ordinance (MSD). The Department of Public Works and Engineering recommends establishing a public hearing date not sooner than six weeks from passage of the Motion and directing the City Secretary to publish notice of the hearing no less than thirty (30) calendar days before the public hearing date for D/J Venture for the site located at 3131 Argonne Street. Preferred public hearing date is 12/9/2009. | | | |
| MSM:AFI:CAE P:\PLANNING BRANCH\MSD\DATABASE\GENERIC RCA - PUBLIC HEARING.DOC C: Marty Stein, Waynette Chan, Gary Drabek, Ceil Price | | | |
| REQUIRED AUTHORIZATION CUIC ID# 20CAE34 | | | |
| Finance Department: | Authorization:  Andrew F. Icken, Deputy Director Planning and Development Services Division | Other Authorization: | |

hearing from 12/9/09

3

DEC 09 2009

MOTION NO. 2009 0801

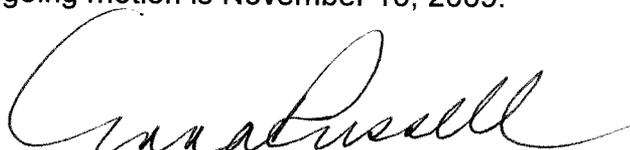
MOTION by Council Member Khan that the recommendation of the Interim Director of the Houston Airport System, to set a hearing date to consider the proposed airport hazard area regulations and the accompanying maps, be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, December 9, 2009, in the City Council Chamber, Second Floor, City Hall.

Seconded by Council Member Lovell and carried.

Mayor White, Council Members Lawrence, Clutterbuck,
Adams, Sullivan, Khan, Gonzalez, Rodriguez, Brown,
Lovell, Noriega, Green and Jones voting aye
Nays none
Council Members Johnson and Holm absent

PASSED AND ADOPTED this 4th day of November 2009.

Pursuant to Article VI, Section 6 of the City Charter, the
effective date of the foregoing motion is November 10, 2009.


City Secretary



CITY OF HOUSTON

Bill White

Mayor



HOUSTON AIRPORT SYSTEM

George Bush Intercontinental ~ William P. Hobby ~ Ellington Airport

Eric R. Potts
Interim Director of Aviation

December 1, 2009

Mayor Bill White
City Council Members
City of Houston

Reference: Final Report of the Houston Airport Commission on Proposed Airport Hazard Area Regulations and Maps

Dear Mayor and City Council Members:

As you recall, the City of Houston Airport System (HAS) received a letter in 2008 from the Federal Aviation Administration concerning the need for land use controls in the vicinity of the city's airports, and a follow-up letter in 2009, advising the city of the necessity under federal grant assurances to protect the airport assets and the federal investment therein from potential hazards to aircraft operations. The city is authorized to adopt airport hazard area regulations by Chapter 241, Texas Local Government Code (Chapter 241), which prescribes the procedures and notice required for such regulations. The city has, in fact, had hazard area regulations in effect for several decades at George Bush Intercontinental Airport/Houston and William P. Hobby Airport. These, however, were last updated in 1983 and 1987, respectively, and updating is necessary. Additionally, since Ellington Airport was a military installation, city hazard area regulations did not apply to that airspace. Now, as HAS-owned Ellington Airport, such regulations need to be established by the City. Moreover, there is a clear need for regulations which take advantage of available technology to more precisely define and evaluate potential airport hazards, including the height of buildings and trees within federally defined airspace areas.

HAS staff, with a consultant team, has studied the issues and prepared draft regulations and maps. HAS set up an information link on its website so property owners could access information including the draft regulations and maps to get an initial feel for whether the proposal might affect their property or development plans. The website also had staff contact information for further details. Interim Director of Aviation Eric Potts and Planning and

Council Members: Wanda Adams Peter Brown Anne Clutterbuck Edward Gonzalez Ronald Green Pam Holm Jarvis Johnson Jolanda "Jo" Jones
M.J.Khan, P.E. Toni Lawrence Sue Lovell Melissa Noriega James Rodriguez Michael Sullivan Controller: Annise D. Parker

Eric R. Potts PO Box 60106, Houston, Texas 77205-0106 ~ Phone: 281 233-1877 ~ Fax: 281 233-1864
www.Fly2Houston.com ~ www.houstontx.gov

Development Director Marlene Gafrick have also briefed stakeholders, including members of the business and development community, and other affected City departments and political subdivisions.

As required by the statute, City Council earlier passed Ordinance Number 2009-659, which authorized the Houston Airport Commission to conduct its review of the draft regulations and maps. The Airport Commission completed its review and held two public hearings, which have been noticed as required by law in the Houston Chronicle and on the HAS website. The Airport Commission held these hearings on November 12, 2009, and November 19, 2009. There were no comments from the public at either public hearing.

At its meeting of November 19, 2009, the Airport Commission considered the draft regulations and maps. In accordance with Chapter 241 of the Texas Local Government Code, the Airport Commission hereby forwards to the City Council its final report, recommending that the Council consider and adopt the airport hazard area regulations and maps of George Bush Intercontinental Airport/Houston, William P. Hobby Airport, and Ellington Airport. The Airport Commission recommends approval of the airport hazard area maps as presented.

Council is scheduled to hold a public hearing on these regulations on December 9, 2009, and possibly consider adoption of the ordinance on December 16, 2009.

Sincerely,



Eric R. Potts
Interim Director of Aviation
Houston Airport System

cc: Marty Stein

AIRPORT HAZARD AREA ORDINANCE

EXECUTIVE SUMMARY

December 4, 2009

PURPOSE

The Houston Airport System (HAS) is proposing to limit the height of certain new structures and objects of natural growth, and to control other potential hazards to aircraft operations, through a new ordinance which will replace several existing airport hazard ordinances and maps currently in effect at George Bush Intercontinental Airport/Houston (IAH) and William P. Hobby Airport (HOU). The ordinance will include all current and future runways at these airports as well as at Ellington Airport (EFD), and will provide more effective tools for timely analyzing and permitting proposed construction. The ordinance also brings the city into full compliance with Federal Aviation Administration (FAA) regulations and the provisions of the federal development grant agreements that support existing and future funding of airport projects. HAS proposes to incorporate these regulations in Chapter 9 of the Code of Ordinances of the City of Houston.

SCOPE

Pursuant to Texas Local Government Code Chapter 241, the proposed ordinance establishes two airport hazard areas (AHAs), one around IAH and one around both HOU and EFD. The AHAs are best understood by reference to the attached maps. Within the AHAs, the proposed ordinance relies on FAA criteria to limit the heights of new structures that have the potential to impact the safety of aircraft operations and the efficient operation of the airports. The proposed ordinance also requires compliance with FAA regulations for certain new structures in other areas of the city (discussed below) and, as allowed by Chapter 241, also applies to those portions of the AHAs which are outside the Houston city limits and within other county or municipal jurisdictions. HAS is working cooperatively with the other jurisdictions and will continue to do so. Finally, the proposed ordinance allows HAS to control the height of objects of natural growth, such as tall trees, and other potential hazards such as electronic emissions or highly reflective surfaces which might adversely affect aircraft operations within the airport hazard areas.

PROCESS

The proposed ordinance will operate primarily through the city's existing building permit process, which will enable HAS to efficiently monitor most proposed projects and

promptly address height issues. With respect to a typical high-rise project, the process would be as follows:

A. The building department will screen each application for a building permit to determine either:

1. Whether the proposed structure to be located within an AHA will penetrate certain surfaces. These surfaces include the Part 77 notice surfaces, which are established by FAA regulation to protect airport operations, the special one engine inoperative (OEI) surfaces, which protect aircraft in the event of loss of engine power on takeoff, and certain so-called TERPS surfaces, which involve instrument flight operations. The principal Part 77 notice surface within the AHAs is a slope rising from the edge of each runway at a rate of one vertical foot for each 100 horizontal feet, and extending outward for a distance of 20,000 feet. The OEI and TERPS surfaces are specific to each runway at each airport.
2. Whether a proposed structure, either inside an AHA or elsewhere within the city, would rise 200 feet or more above ground level at the site of the proposed structure.

B. If a proposed structure meets any of these preliminary tests, a building permit will not be approved until the project proponent obtains an Airport Hazard Area (AHA) permit. In order to apply for this AHA permit, the proponent must first comply with FAA regulations by preparing an FAA form 7460-1 (available from the building department or online) and, in most cases, filing it with the FAA. In the case of a penetration of the special OEI surfaces, the form will be filed directly with HAS. This review will not delay the ongoing review of other aspects of the building permit application.

C. Upon receipt of the Form 7460-1, the FAA or HAS will analyze the proposed structure, based on the information provided in the form and other relevant data, including FAA regulations and standards, to establish whether or not it will impact aircraft operations or safety, and then issue a formal determination. The proponent can then file an application for an AHA permit with HAS. This application must have both the Form 7460-1 and the FAA or HAS determination attached.

D. If the FAA concludes that the proposed structure will not be a hazard with respect to the Part 77 or TERPS surfaces (by issuing a “No Hazard” determination), or HAS concludes that the proposed structure will not penetrate an OEI surface, an AHA permit

will issue and the proponent can return to the building department for completion of the building permit process.

E. If the proposed structure is found to be a hazard, or penetrates an OEI surface, no AHA permit will be issued, and the project must either be modified or abandoned. The project proponent will be informed by the FAA or HAS determination what modifications would be needed to allow an AHA permit to issue.

OTHER HAZARDS

The ordinance empowers HAS to address, as needed, the other potential hazards previously noted, such as tall trees which penetrate FAA-defined surfaces, electronic emissions which could interfere with aircraft operation and control, surfaces which reflect light in a manner harmful to aircraft or any other object or activity which poses a danger to safe and efficient operations at the city's airports. In addition, under Chapter 241, the city has the power to restrict or prevent hazards in areas within the AHAs that are outside city limits. It will seek to do this through cooperative action or agreements with other jurisdictions, but also retains the power to request judicial intervention if necessary to respond to a potential hazard that cannot otherwise be prevented.



U.S. Department
of Transportation
**Federal Aviation
Administration**

Southwest Region
Airports Division, Texas Airports
Development Office

Fort Worth, Texas 76137

August 7, 2009

Mr. Eric Potts
Interim Director
City of Houston
Department of Aviation
16930 JFK
Houston TX 77032

Dear Mr. Potts:

The City of Houston has made excellent progress in protecting the public investment in its airports by implementing land use controls through its recently adopted Land Use Ordinance. Another necessary measure to protect airports is ensuring appropriate controls are in place to protect the airspace from hazardous objects. These objects may include buildings, antennas, power lines, smokestacks, and objects of natural growth that are tall enough to be hazards to air navigation. The FAA is pleased to learn that the city has begun work on a companion ordinance designed to revise, update and expand existing protections against such obstructions.

This action by the City is consistent with its assurance to the federal government that it will do everything possible to protect against air hazards. This assurance is in the form of an *Airport Improvement Program Grant assurance which the city renews each time it accepts a grant*. This assurance states:

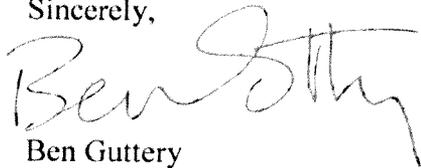
20. Hazard Removal and Mitigation. It [the grantee] will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

Hazards are just as important to airport operations as compatible land use and we appreciate your attention to controlling both. As the Houston Airport System considers additional capacity enhancements at IAH to accommodate growing aviation demand, it is critical that you have both land use and hazard control measures in place to protect the considerable federal, municipal, and private investments in the airports. Should the Houston Airport System seek Federal financial assistance from the FAA to assist with the development of new runways at IAH, we must ensure that any investment is protected and can fully serve the purpose for which it was intended.

The FAA and its predecessor agencies have all worked to mitigate and remove hazards to air navigation. Some of these are enormously expensive to remove, while they are rather easy to prevent. This letter serves to remind you of the importance for safety, and the federal requirement to protect the airspace around the Houston area from development that would be a hazard to air navigation and operations. We encourage you to continue to take the necessary actions to ensure that measures are in place to protect the airport and any future federal investment to meet the air travel needs of the citizens and businesses in the Houston metropolitan area.

We also request that you update us on your progress as you develop and implement these controls. If you have any questions or we can be of further assistance, please do not hesitate to call me or Mike Nicely at 817-222-5650.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Guttery". The signature is written in a cursive, flowing style.

Ben Guttery
Acting Manager, Texas Airports
Development Office

**HOUSTON AIRPORT COMMISSION DRAFT
NOVEMBER 19, 2009**

**NOTE: THIS DOCUMENT IS A PRELIMINARY DRAFT AND IS SUBJECT TO REVISIONS
AT ANY TIME PRIOR TO ADOPTION BY CITY COUNCIL.**

Chapter 9, Article VII, Airport Hazard Area Regulations

Division 1. In General

Sec. 9-701 Applicability.
 Definitions.
 Essential community purpose.
 Other jurisdictions' regulations; interlocal agreements.
 Cumulative effect.
 Airport hazard areas.
 Airport hazard area maps.
 Notice on plats; Affidavit required.
 Objects or activities that could adversely affect the operation of
 aircraft.
 Objects of natural growth.
 Continuation of nonconformity.
 Restoration of partially destroyed structure.
 Mitigation of nonconformity.

Division 2. Administration

Sec. 9-801 Airport Commission.
 Department; director.
 Board of adjustment.

Division 3. Airport Hazard Area Permits

Sec. 9-901 Potential airport hazard--structures; Airport hazard area
 permit required.
 AHA permit procedure—initial determination.
 AHA permit procedures—FAA submission.
 AHA permit application.

AHA permit review, approval, denial.
Expiration.
Revocation of permit, appeal process.

Division 4. Appeals, Variances, and Special Exceptions

Sec. 9-1001 Appeals.
Variances.
Special exceptions.
Time for submittal.
Notification of application before the board.

Division 5. Enforcement

Sec. 9-1101 Actions authorized to enforce article.
Penalty.

ARTICLE VII. AIRPORT HAZARD AREA REGULATIONS

DIVISION 1. IN GENERAL

Sec. 9-701. Applicability.

The provisions of this article shall apply within an airport hazard area, whether located within or outside the city. No land, body of water, structure or object of natural growth shall be used or permitted to be used, no structure or object of natural growth shall be erected, constructed, moved, reconstructed, structurally altered or maintained, nor shall any electronic emissions, visual effect, or other objects or activities which could adversely affect the operation of aircraft be permitted, for any purpose except in compliance with the terms of this article.

Sec. 9-702. Definitions.

As used in this article, these words and phrases shall have the meanings ascribed to them in this section, unless the context clearly indicates a different meaning. All words and phrases not defined shall have their common meaning.

Airport(s) means George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU) or Ellington Airport (EFD), as described by any current or future plans of HAS.

Airport commission means the airport zoning commission described in Chapter 241 that is charged with making recommendations to the city council on regulations and boundaries, and performing other tasks delegated to it in accordance with state law in the implementation of this article.

Airport hazard means any permanent or temporary structure or proposed structure; any addition to or alteration of an existing structure; any object of natural growth; or any electronic emission or visual effect, that obstructs or limits, or has the potential to obstruct or limit, the operation of aircraft

to, from or in the vicinity of, any airport, including, but not limited to:

1. Anything that obstructs the air space required for the taking off, landing or maneuvering of aircraft;
2. Anything that interferes with visual, radar, radio or other systems for tracking, acquiring data relating to, monitoring or controlling aircraft;
3. Anything tending to destroy or impair the utility of any airport;
4. Anything constituting an obstruction to air navigation, as defined in section 77.21 *et seq.* of Part 77; or
5. Anything that is found to be a hazard to air navigation or a presumed hazard to air navigation as a result of an aeronautical study conducted by the FAA pursuant to section 77.31 *et seq.* of Part 77.

Airport hazard area means the area of land and water contained within the composite perimeter of each airport, and the area within the city limits at or above 200 feet above ground level, on which an airport hazard could exist.

Airport hazard area permit or AHA permit means a permit issued by the department for regulated activities within an airport hazard area.

Airport hazard notification surface means any of the following surfaces:

1. *Primary notification surface*, which is a slope of 100 feet horizontal to one foot vertical for a distance of 20,000 feet from the nearest point of each runway at each airport, or any TERPS surface that is lower at any point than this slope;
2. *Secondary notification surface*, which is a surface that would be penetrated by a structure or an object of natural growth that is 200 feet above ground level at any given location within the city or in an air hazard area;
3. *Special one engine inoperative surface*, which is a one-engine inoperative surface at any airport that is lower at

any point than any other surface established by or pursuant to FAA regulation.

Board of adjustment or *board* means the board charged with hearing requests to reverse an order, requirement, decision, or determination of the director and deciding matters that are delegated to the board pursuant to this article.

Chapter 241 means Chapter 241 of the Texas Local Government Code, as it may be amended from time to time.

Composite perimeter means a perimeter line delineating the outer boundary of the combined TERPS surface, Part 77 surface, one engine inoperative surface and airport hazard notification surface at IAH, and at HOU/EFD combined, as those surfaces exist as of _____¹ or may hereafter be established, and as shown on the official airport hazard area maps.

Development plat has the meaning ascribed in section 42-1 of this Code or as provided in an interlocal agreement for land located outside the city.

Form 7460-1 means the form identified in section 77.17 of Part 77.

Nonconformity means any airport hazard that penetrates any airport hazard notification surface and that legally exists as of _____.²

One engine inoperative surface means any surface established at each airport in accordance with FAA requirements to permit the safe operation of air carrier aircraft in the event of loss of engine power on takeoff.

Part 77 means Part 77 of the FAA regulations in Title 14, Code of Federal Regulations as it now exists or may hereafter be amended.

¹ Editor to insert effective date of this ordinance.

² Editor to insert the effective date of this Ordinance.

Part 77 surfaces means those surfaces identified Code of Federal Regulations section 77.25, of Part 77.

Structure means anything that is built, constructed or erected, whether temporary or permanent, including, but not limited to, cranes and drilling rigs.

Subdivision plat has the meaning ascribed in section 42-1 of this Code, or as provided in an interlocal agreement for land located outside the city.

TERPS means one or more terminal instrument procedures surfaces established by FAA orders to protect aircraft on approach to and departure from, or operations in the vicinity of each airport.

Sec. 9-703. Essential community purpose.

The airports are used in the interest of the public to the benefit of the city and fulfill an essential community purpose.

Sec. 9-704. Other jurisdictions' regulations; interlocal agreements.

(a) Each municipality or county whose jurisdiction includes land within an airport hazard area may coordinate with the city to adopt an ordinance, order, or appropriate regulation consistent with this article, including airport hazard area regulations and maps, and provisions regarding the enforcement and administration thereof, or may enter into an interlocal agreement with the city pursuant to Chapter 791, Texas Government Code.

(b) If a municipality or county whose jurisdiction includes land within an airport hazard area does not enter into an interlocal agreement with the city, or adopt an ordinance, order or regulation consistent with this article, the city reserves its rights to enforce the terms of this article, as well as all rights granted to the city under Chapter 241 in the airport hazard area within that jurisdiction.

Sec. 9-705. Cumulative effect.

(a) The provisions of this article are cumulative of all other requirements of this Code and other laws and regulations of the city, including, without limitation, *the Construction Code, the Fire Code and the Department of Public Works and Engineering Infrastructure Design Manual for Wastewater Collection Systems, Water Lines, Storm Drainage, Traffic Access Standards and Street Paving*, as well as all applicable state and federal laws and regulations. Compliance with this article does not excuse compliance with any other law or regulation, and persons who are not required to obtain a permit pursuant to this article shall nevertheless obtain any other permits, licenses, and authorizations required by law.

(b) For land located outside the city, the provisions of this article are cumulative of the requirements imposed by ordinances or other laws and regulations of a municipality or county whose jurisdiction extends to land within an airport hazard area.

(c) If a conflict exists between this article and any other city ordinance or regulation, or an ordinance or regulation of another municipality or county whose jurisdiction extends to land within an airport hazard area, the provisions of this article shall control.

Sec. 9-706. Airport hazard areas.

(a) The following airport hazard areas are hereby established:

1. The land area within the IAH composite perimeter;
2. The land area within the HOU/EFD combined composite perimeter; and
3. Airspace at or above 200 feet above ground level within the city.

(b) The director shall determine the location or character of an airport hazard area or other feature on an airport hazard area map in the event of any question or dispute with respect thereto.

Sec. 9-707. Airport hazard area maps.

The city council has adopted an official airport hazard area map for IAH and an official airport hazard area map for HOU/EFD combined, that shall be used to implement this article. The maps may be amended in accordance with Chapter 241. The official airport hazard area maps shall be maintained on file in the office of the city secretary, with a copy available at the department.

Sec. 9-708. Notice on plats; affidavit when no subdivision plat required.

(a) *Subdivisions requiring subdivision plat.* The recorded subdivision plat of any land located wholly or partially within an airport hazard area shall include on its face the following statement:

NOTICE: Individual lots or parcels within this subdivision may be located in an airport hazard area and may be subject to height or use restrictions.

(b) *For construction on land not requiring subdivision plat.* Prior to the issuance of a permit for construction on or development of property located within any airport hazard area that has been platted prior to the effective date of this article, or that is not otherwise required to be platted, an affidavit in the form prescribed by the planning director shall be executed by the owners of the property setting forth, at a minimum, the notice language set forth in section 9-708(a) of this Code. The department shall record the affidavit in the real property records in the county in which the property is located, at the expense of the affiant.

(c) Prior to the use of any affidavit form, the city attorney or his designee, shall review and approve the affidavit form for legal sufficiency. The affidavit form shall be attached to the permit application as a part thereof, shall include but not be limited to a description of the type of occupancy for which the permit application is being made and any exhibits referred to therein, and shall be properly sworn to and subscribed before a notary public.

Sec. 9-709. Objects or activities that could adversely affect the operation of aircraft.

It shall be unlawful to create or maintain any electronic emission, visual effect or other object or activity in an airport hazard area that adversely affects the operation of aircraft. Upon receipt of a written notice of violation of this section from the director, the owner of the source of the electronic emission, visual effect or other object or activity shall immediately cease the emission, alter or remove the visual effect or other object or cease the activity.

Sec. 9-710. Objects of natural growth.

It shall be unlawful to plant and permit to grow any object of natural growth whose typical height at maturity will penetrate any airport hazard notification surface. The owner of any object of natural growth shall immediately remove the object of natural growth upon receipt of a written notice of violation of this section from the director. It shall be an affirmative defense to prosecution under this article that the object of natural growth does not penetrate an airport hazard notification surface.

Sec. 9-711. Continuation of nonconformity.

A nonconformity may be continued as it existed on the effective date of this article, but may not be enlarged or expanded unless in compliance with this article and other city requirements.

Sec. 9-712. Restoration of partially destroyed structure.

Nothing in this article shall prevent the repair or restoration, and continued occupancy or use, of any nonconforming structure destroyed to the extent of not more than 51 percent of its appraised market value, by fire, explosion or other casualty, natural disaster or other act of God or the public enemy. For purposes of this section, appraisal district records shall constitute prima facie proof of appraised market value.

Sec. 9-713. Mitigation of nonconformity.

(a) The owner of a nonconformity shall allow the installation, maintenance and operation of markers and lights, in accordance with FAA standards, deemed necessary by the department or the FAA to identify airport hazards.

(b) The owner of a tree or other object of natural growth that penetrates an airport hazard notification surface shall allow the department to lower or remove the tree or other object of natural growth to bring it into conformity with the requirements of this article.

DIVISION 2. ADMINISTRATION

Sec. 9-801. Airport commission.

(a) An airport commission for airport hazard areas has been established for by City of Houston Ordinance No. 2009-954. The members of the airport commission shall be the members of the city planning commission, as established pursuant to chapter 33 of this Code, and such other members as provided by this section.

(b) The airport commission may include a member appointed by the City of Humble and a member appointed by the City of Pasadena. The airport commission may also include members appointed by other units of local government whose jurisdiction extends to land within an airport hazard area upon entering into an interlocal agreement with the city, which members are not required to be residents of the city.

(c) A quorum of the airport commission shall be as provided in section 33-19 of this Code, regardless of whether the membership has been enlarged pursuant to this section. All meetings of the airport commission shall be held in accordance with the Texas open meetings act, be recorded, and have minutes made and kept in accordance with all regulations governing the city planning commission.

(d) The airport commission may adopt such rules and regulations for the conduct of public hearings and meetings as are in compliance with federal and Texas law and city ordinances. Except as herein provided, all provisions of chapter 33 of this Code shall apply to the airport commission.

(e) The director shall be a non-voting, ex officio member and shall serve as secretary to the commission.

Sec. 9-802. Department; director.

The department is hereby designated the agency responsible for administering and enforcing this article. The director or his designee is hereby designated as the administrator of this article. The duties of the director shall include:

- (1) To promulgate rules and forms as necessary to administer and enforce the provisions of this article;
- (2) To review and approve or disapprove applications for AHA permits in accordance with the provisions and timelines of this article and Chapter 241; and
- (3) To charge and collect applicable fees, as set by the city council, for processing each AHA permit.

Sec. 9-803. Board of adjustment.

(a) *Establishment of board of adjustment and board powers.* A board of adjustment is hereby created pursuant to Chapter 241 and shall have the following powers:

- (1) To hear and decide appeals, as provided by Chapter 241, or pursuant to this article, from an order, requirement, decision, or determination made by the director in the enforcement of this article;
- (2) To hear and decide special exceptions to the terms of this article; and
- (3) To grant variances from these regulations.

(b) *Board composition.* The board shall be composed of five members appointed by position to two-year terms. The mayor may appoint an individual board member to serve in matters involving only IAH, matters involving only HOU and matters involving only EFD, which members shall serve individually in position 5(IAH), position 5(HOU), and position 5(EFD), respectively. Members, including alternate members, shall be appointed by the mayor and confirmed by the city council and shall be residents of the city, except as provided in subsection (4), below .

- (1) The mayor shall appoint a chair from among the members.
- (2) The director shall be a non-voting, ex officio member of the board and shall serve as secretary to the board.
- (3) An alternate member may be appointed for each position. An alternate member may serve in the absence of the member in that position.
- (4) In the event another governmental entity whose jurisdiction includes land within an airport hazard area enters into an interlocal agreement with the city for enforcement of the terms of this Article, the agreement may contain provisions for the appointment to the board of a resident of that governmental entity for matters affecting property within that entity's jurisdiction only. Any member so appointed does not need to be a resident of the city.
- (5) The board may be composed of the same members appointed to the Board of Adjustment for Airport Land Use regulations in article VI of this chapter.

(c) *Board procedures.* The board shall adopt rules and procedures for its governance consistent with the provisions of this article, including how members shall rotate to allow members appointed under section 9-803 (b)(4) of this Code to participate as required. A board member may be removed by the appointing authority for cause on a written charge after a public hearing. A

vacancy in any position shall be filled for the remainder of the unexpired term, giving first consideration to any current alternate members. The board shall adopt a regular meeting schedule and shall give public notice of the meeting schedule by publication for three consecutive days in a daily newspaper of general circulation within the city and any other jurisdiction located within the airport hazard area. The board may change this meeting schedule by the adoption of a new schedule, the effective date of which shall not be less than ten days after publication of the new schedule for three consecutive days in a daily newspaper having general circulation within the city and any other jurisdiction located within the airport hazard area. The board may meet in panels to consider each airport individually. The chair, or the acting chair, may administer oaths and compel the attendance of witnesses. All hearings of the board of adjustment shall be public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, and if any member is absent or fails to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the board of adjustment and are public records. Four members of the board shall constitute a quorum. The concurring vote of four members of the board shall be necessary to:

- (1) Reverse an order, requirement, decision, or determination of the director;
 - (2) Decide in favor of an applicant on a matter on which the board is required to pass under this article; or
 - (3) To hear and decide specific variances from this article.
- (d) *Compensation.* Members of the board, in the performance of their duties as such, shall serve without compensation.

DIVISION 3. AIRPORT HAZARD AREA PERMITS

Sec. 9-901. Potential airport hazard—structures; Airport hazard area permit required.

(a) Any proposed structure or any proposed permanent or temporary improvement to any existing structure which, as described by plans, specifications, application for building permit or other information, would, if constructed or erected, penetrate any airport hazard notification surface, shall constitute a potential airport hazard.

(b) It shall be unlawful to place, construct, or erect any potential airport hazard or alter an existing structure to create a potential hazard without an AHA permit issued pursuant to this article.

(c) A current valid AHA permit that is required by this section is a condition for the approval of a development plat or the issuance of a building permit, or a water, wastewater or stormwater capacity reservation.

Sec. 9-902. AHA Permit procedure—initial determination.

(a) Department staff shall review each completed application for a development plat, building permit or other plans to determine whether a proposed structure would, if built or erected, constitute a potential airport hazard.

(b) If the department determines that a proposed structure would not penetrate any airport hazard notification surface, no AHA permit shall be required.

(c) If the department determines that a proposed structure would penetrate an airport notification surface, an AHA permit shall be required.

Sec. 9-903. AHA permit procedures—FAA submission.

To obtain an AHA permit, the proponent of a proposed structure shall first submit a Form 7460-1 for the structure to the

FAA in accordance with the requirements of section 77.17 of Part 77 and obtain a determination from the FAA as provided in section 77.35 of Part 77.

Sec. 9-904. AHA permit application.

(a) Upon receipt of a notice of determination by the FAA, the proponent of a proposed structure shall submit to the department an AHA permit application in the form prescribed by the director, which shall include:

- (1) The name of the applicant;
- (2) The address of the proposed structure;
- (3) The maximum height above ground level of the proposed structure including all appurtenances that extend above roof level;
- (4) A copy of the Form 7460-1 previously filed with the FAA;
- (5) The FAA notice of determination for the proposed structure;
- (6) Any additional information that the director may reasonably require.

(b) No AHA permit application shall be accepted by the director unless it is complete, accompanied by all required documents and information, including all applicable permit fees, and the affidavit required by section 9-708 of this Code, if applicable.

(c) The director shall make a determination of completeness in writing to the applicant no later than the tenth business day after the date that the AHA permit application is filed. The determination of completeness shall:

- (1) Indicate that the application is complete; or
- (2) Indicate that the application is not complete and specify the documents or other information necessary to complete the application and shall state the date the permit application will expire, which shall be on or

after 45 days from the date of the director's application.

(d) If the required additional information is not timely submitted, the AHA permit application shall be deemed to have expired, and a new permit application shall be required.

(e) The director shall review each complete AHA permit application, and if in compliance with this article, an AHA permit shall be issued; if not in compliance with this article, the application shall be denied, with a notation of the reasons for denial.

Sec. 9-905. AHA permit review, approval, denial.

(a) The director shall review each complete AHA permit application to determine whether an AHA permit can be approved pursuant to this section.

(b) The director shall approve an AHA permit application for a proposed structure that penetrates a primary or secondary notification surface only if the final FAA determination for the proposed structure is a "No Hazard to Air Navigation", a "Does Not Exceed", or an "Exceeds But Okay" determination. In all other cases, the director shall deny the AHA permit application.

(c) The director shall deny an AHA permit application for a proposed structure that he confirms will penetrate a special one engine inoperative surface.

Sec. 9-906. Expiration.

An AHA permit shall expire if construction has not commenced within two years of the approval of an AHA permit or upon completion of the structure for which it is approved, whichever occurs first.

Sec. 9-907. Revocation of permit; appeal process.

(a) In addition to any enforcement remedies allowed by law, whenever the director finds that there are grounds for revocation of an AHA permit, he shall give written notice to the permittee by

personal service or by certified mail, return receipt requested, addressed to the applicant at the address set forth in the AHA permit application. The notice shall include:

- (1) The specific grounds upon which the permit in question may be revoked;
- (2) The fact that there will be a hearing in which the city will seek the revocation of the permit;
- (3) The date, time and place of the hearing;
- (4) The fact that the permittee may appear in person or be represented by an attorney; and
- (5) Any notice required by other city ordinance.

(b) All hearings shall be held by a hearing officer appointed by the director.

(c) All hearings shall be conducted under rules consistent with the nature of the proceedings; provided however, that the following specific rules shall also apply:

- (1) All parties shall have the right to representation by a licensed attorney, though an attorney is not required.
- (2) Each party may present witnesses in its own behalf.
- (3) Each party has the right to cross-examine all witnesses.
- (4) Only evidence presented before the hearing officer at the hearing may be considered in rendering the final order.

(d) If the permittee fails to appear at the hearing on the date and time specified, the city shall introduce evidence to establish a prima facie case on behalf of the city showing that grounds exist for revocation of the AHA permit.

(e) After completion of the presentation of evidence by all parties appearing, the hearing officer shall make written findings and render a written order as to whether or not grounds exist for the revocation of the AHA permit. If grounds exist, the hearing officer shall revoke the permit; provided that he may, in the interest of justice, take such other lesser actions as deemed appropriate including, but not limited to, the temporary suspension of the permit, the revision of the permit, or the addition of permit conditions. A true and accurate copy of the order shall be personally delivered or mailed by certified mail, return receipt requested, to the permittee.

(f) In the event an AHA permit is revoked, suspended, or revised, the city shall not be liable to any person for any refund of any part of any permit fees.

(g) An action under this section may be appealed to the city council pursuant to Rule 12 of the city council rules of procedure, upon the filing of a written application therefor with the city secretary within ten days from the date the written order is signed by the hearing officer. Filing of an appeal under this section shall not operate to suspend the hearing officer's order thereon.

DIVISION 4. APPEALS, VARIANCES AND SPECIAL EXCEPTIONS

Sec. 9-1001. Appeals.

Except for actions brought under section 9-907 of this Code, the board shall hear and decide an appeal from an order, requirement, decision, or determination made by the director in the application or enforcement of this article in accordance with such reasonable rules as the board may establish.

- (1) *Who may appeal.* Any person aggrieved by an order, decision, or determination of the director, any taxpayer affected by a decision or determination of the director made in the administration of this article, or the governing body if the governing body believes the order, decision or determination is an improper

application of this article may file and appeal under this article.

- (2) *Commencement of appeals.* All appeals hereunder must be taken within seven business days of the director's decision or prior to commencement of construction, whichever occurs first, by filing a notice of appeal with the board and the department specifying the grounds for the appeal. The department shall transmit to the board all papers constituting the record upon which the action appealed was taken.
- (3) *Stay of proceedings.* An appeal shall stay all proceedings in furtherance of the action appealed unless the director certifies in writing to the board that by reason of the facts stated in the certificate, a stay would, in the opinion of the director, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the board on notice to the director and on due cause shown.
- (4) *Appeal procedures.* The board shall set a reasonable time for an appeal hearing, and public notice of the hearing and due notice to the parties in interest shall be given as provided in section 9-1005 of this Code. The board shall decide an appeal within a reasonable time. At the hearing, any party may appear in person, by agent, or by attorney.
- (5) *Decision.* The board may reverse or affirm, in whole or in part, or modify the director's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for this purpose the board of adjustment has the same authority as the department.

Sec. 9-1002. Variances.

(a) The board shall hear and decide specific variances to the regulations in this article.

(1) A person who desires to place, construct, erect, or alter a structure or object of natural growth in a manner inconsistent with this article, may apply to the board of adjustment for a variance from the regulations.

(2) The board shall allow a variance from these regulations if:

a. A literal application or enforcement of the regulation would result in practical difficulty or unnecessary hardship; and

b. The granting of the relief would:

[1] Result in substantial justice being done;

[2] Not be contrary to the public interest; and

[3] Be in accordance with the spirit of these regulations and Chapter 241.

c. That the variance is the minimum variance that will make possible the reasonable use of the land, structure, or object of natural growth.

d. The variance would not result in the issuance of an AHA permit that would allow the creation of an airport hazard.

(3) In determining whether the standards set forth in paragraphs (2)c. and d. above have been met, the board shall consider the following factors:

- a. the FAA's determination as to whether the proposed structure would constitute a hazard to air navigation;
 - b. the director's determination as to whether the proposed structure would penetrate a special one engine inoperative surface;
 - c. the nature of the terrain and height of existing structures;
 - c. public and private interest and investments;
 - d. the character of aircraft operations and planned future development of the airport;
 - e. federal airways as designated by the FAA;
 - f. technological advances;
 - g. the safety of persons on the ground and in the air;
 - h. land use density; and
 - i. safe and efficient use of navigable airspace.
- (4) The board may impose any reasonable conditions on a variance that it considers necessary to accomplish the purposes of this article and Chapter 241.
- (5) A request for a variance shall be made by filing with the director a complete application in the form prescribed by the director, and payment of the fee established by city council. The director shall set a reasonable time for a hearing date and shall give public notice of the hearing and due notice to the parties in interest as required by section 9-1005 of this Code. The board shall conduct a public hearing on the application and shall make its decision within a reasonable time, not to exceed 30 days from the date

of the close of the hearing. In each case, the board shall make written findings that all conditions for the particular variance sought have been met or not met, and the board may impose such additional conditions or safeguards it deems necessary to protect the public interest.

- (b) Exclusions from board authority.
 - (1) Applications for variance when the FAA has ruled that the placement, construction, or alteration of the structure or object of natural growth would constitute a hazard to air navigation.
 - (2) Enlargement of any nonconformity. A request for action by the board regarding a nonconforming structure or object of natural growth may be considered only to determine that a structure or object of natural growth is, or is not, in whole or in part, a legal nonconformity.

Sec. 9-1003. Special exceptions.

The board shall be entitled to hear and grant special exceptions to the terms of this article as provided in this section.

Sec. 9-1004. Time for submittal.

(a) Complete applications that require action by the board and that are submitted to the department by 11:00 a.m. on the Monday of the week before the next regularly scheduled meeting of the board shall be placed on the agenda for consideration by the board at that meeting. If the Monday of the week preceding a regularly scheduled board meeting is a city holiday, complete applications that are submitted to the department on the first city business day following the Monday holiday shall be placed on the agenda for consideration by the board at that meeting.

(b) Complete applications shall be reviewed and approved, where appropriate, or referred to the board by the director not later than ten days from the date the complete application was submitted. Applications referred to the board under this subsection shall be placed on the board agenda for the next meeting for which proper notice can be given.

(c) Applications that require notice to property owners pursuant to section 9-1005 of this Code shall be placed on the board agenda for the next meeting for which proper notice can be given.

Sec. 9-1005. Notification of application before the board.

(a) The director shall give public notice of a hearing before the board on an appeal of the director's decision, a special exception, or a variance by:

(1) Either:

- a. Mailing a letter, first class mail, postage paid, to the owner of the property that is the subject of the matter presented to the board, and to the owners of all lots or tracts that are within 250 feet of the boundary of the property, as shown on the most recently approved *ad valorem* tax rolls of the city not less than the seventh day before the first meeting at which the board will first consider the application; or
- b. By causing the information to be readily available to the public in an electronic format; and

(2) By letter mailed first class mail, postage paid, or by electronic mail message to each neighborhood association with defined boundaries registered with the department in whose area the property is located as soon as reasonably possible before the first meeting at which the board will consider the application.

(b) The applicant shall give notice of an application before the board by posting at least one sign on the property that is the subject of a proposed variance or special exception before the tenth business day before the date of the meeting at which the board will first consider the application. A sign shall face each public right-of-way bordering the site, provided, however, that if more than four signs would be required to be posted, the applicant may request the director to approve an alternative number and location of signs. The director shall approve an alternative to the number and location of signs required by this subsection in excess of four upon determining that the alternative will provide maximum visibility and obtain the objectives of this section without unduly burdening the applicant. Each sign shall be a minimum of four by eight feet in size and shall be posted no more than 15 feet from the public right-of-way. The lettering on the sign shall be legible from the public right-of-way. The applicant shall use reasonable efforts to maintain each required sign on the site until the close of the meeting at which the board acts on the application. The sign shall provide the following information:

- (1) The application number of the request and the fact that a variance or special exception is being requested;
- (2) The date, time, and place of the meeting at which the board will first consider the application;
- (3) A telephone number of the applicant to call for additional information; and
- (4) A department telephone number to call for additional information.

DIVISION 5. ENFORCEMENT; PENALTY

Sec. 9-1101. Actions authorized to enforce article.

(a) The city, acting through the city attorney or any other attorney representing the city, is hereby authorized to file an action in a court of competent jurisdiction to:

- (1) Enjoin any person from violating the terms, conditions and restrictions of an AHA permit issued under this article;
- (2) Enjoin or abate the violation of the provisions of this article;
- (3) Recover civil penalties for violation of the terms, conditions and restrictions of an AHA permit issued under this article;
- (4) Recover civil penalties for violation for the provisions of this article; or
- (5) Recover damages from the owner of property in an amount adequate for the city to undertake any construction or other activity necessary to bring about compliance with this article on the property.

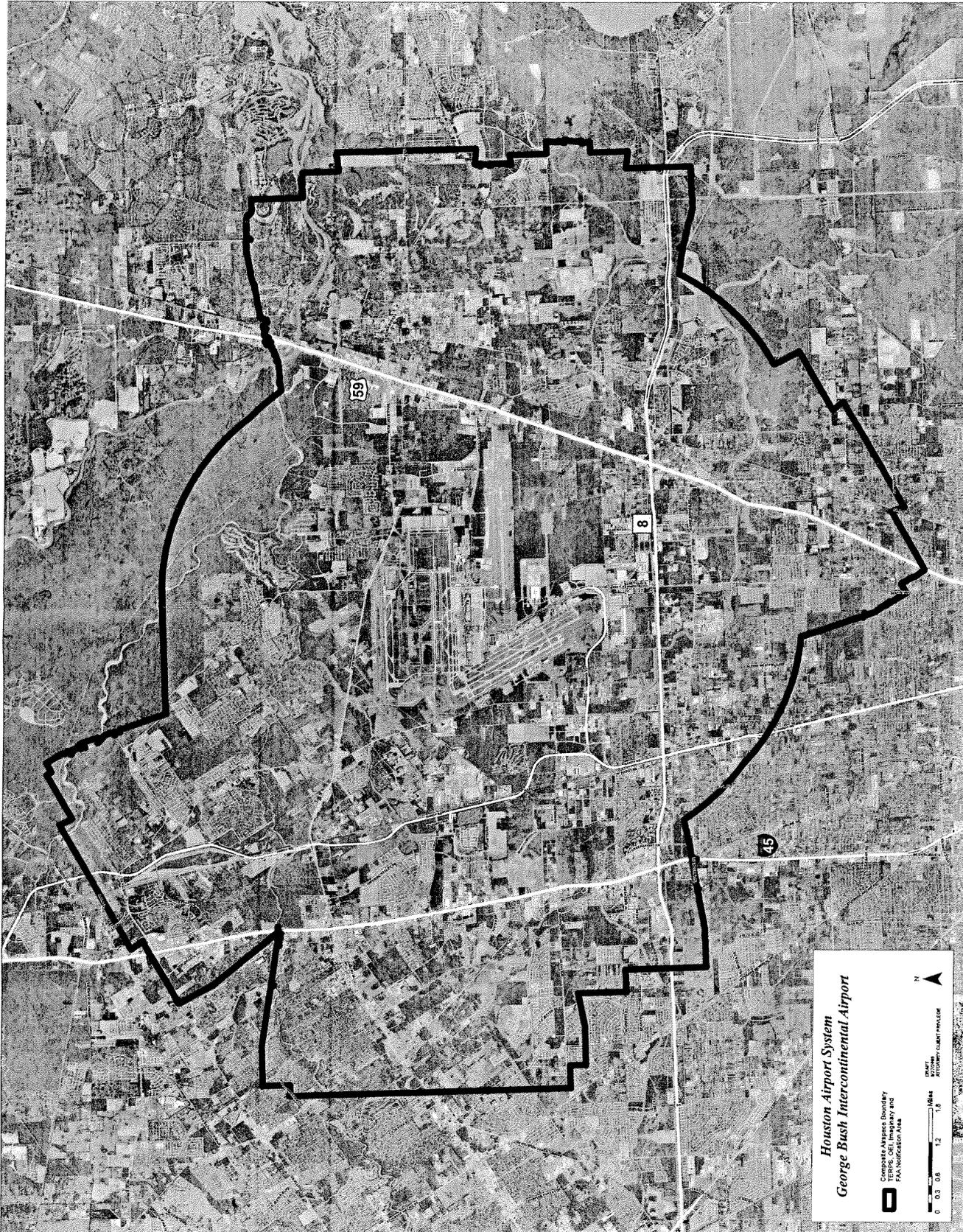
(b) The city, acting through the city attorney or any other attorney representing the city, is hereby authorized to enter into agreements in lieu of litigation to achieve compliance with the terms, conditions and restrictions of any AHA permit issued under this article or the provisions of this article.

(c) The director is authorized to:

- (1) Whenever any work authorized by an AHA permit is being performed contrary to the provisions of this article, or other pertinent laws or ordinances implemented through the enforcement of this article, order the work (other than work to cure a violation) stopped by notice in writing served on any persons performing the work or causing the work to be performed. Any such persons shall forthwith stop the work until authorized by the director to proceed with the work.
- (2) At the time a stop order is issued, the person performing the work and the permit holder shall be given notice of a right to a hearing on the matter pursuant to Section 9-907 of this article. Any stop order that has been issued shall remain in effect pending any hearing that has been requested unless the stop order is withdrawn by the director.

Sec. 9-1102. Penalty.

It shall be unlawful to violate any provision of this article. The penalty for violation shall be up to \$2000 for each day of violation.



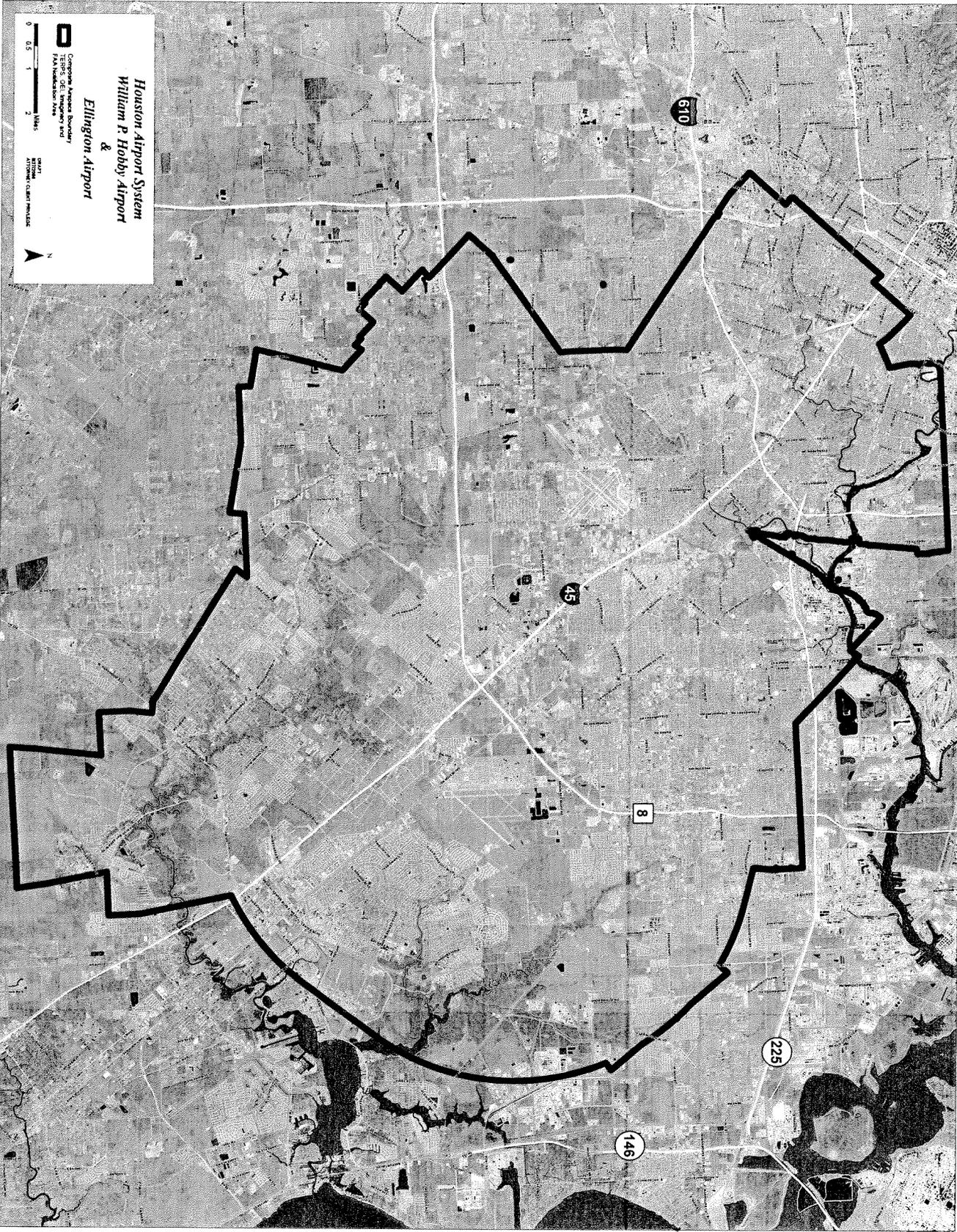
**Houston Airport System
George Bush Intercontinental Airport**

Composite Airport Boundary
EPA's Off-Inspire and
PA Notification Area



N

0 0.3 0.6 1.2 1.8 Miles
0 0.3 0.6 1.2 1.8 Kilometers



Houston Airport System
William P. Hobby Airport
&
Ellington Airport

Company, Airport Boundary
FAA, Houston, Texas

0 0.5 1 2 MILES

0 0.5 1 2 KILOMETERS

N

4
DEC 09 2009

MOTION NO. 2009 0873

MOTION by Council Member Khan that nominations for appointments or reappointments for Positions Five and Seven on the Ethics Committee for two years, be closed.

Seconded by Council Member Green and carried.

Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Lovell, Noriega, Green and Jones voting aye
Nays none
Council Member Brown absent

PASSED AND ADOPTED this 2nd day of December, 2009.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is December 8, 2009.

City Secretary

Council Member Holm nominated Mr. Rick Cagney for reappointment for Position Five.

Council Member Clutterbuck nominated Mr. John Jay Douglas for reappointment for Position Seven.



BILL WHITE
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

5
DEC 09 2009

November 20, 2009

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 11.20.09
date

COUNCIL MEMBER: _____

The Honorable City Council
City of Houston

Dear Council Members:

Pursuant to Section 335.035 of the Texas Local Government Code, I am appointing the following individual to the Harris County-Houston Sports Authority Board of Directors, subject to City Council confirmation:

Mr. Stephen M. Fraga, appointment to Position Eleven, for an unexpired term ending August 31, 2011.

The résumé of the appointee is attached for your review.

Sincerely,

Bill White
Mayor

BW:LC:jsk

Attachment

cc: Harris County Judge Ed Emmett
Ms. Beverly B. Kaufman, County Clerk, Harris County
Ms. Janis Schmees, Executive Director, Harris County-Houston Sports Authority
Mr. J. Kent Friedman, Chair, Harris County-Houston Sports Authority



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | |
|--|------------------------|-------------------------|
| SUBJECT: Designation of residential parking permit areas in various neighborhoods in the City of Houston. | Page 1 of 10 | Agenda Item 6 |
|--|------------------------|-------------------------|

| | | |
|--|------------------------------------|-----------------------------------|
| FROM: (Department or other point of origin): General Services Department | Origination Date 12-3-09 | Agenda Date DEC 09 2009 |
|--|------------------------------------|-----------------------------------|

| | |
|--|---|
| DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. <i>[Signature]</i> 12/2/09 | Council District affected: C, H |
|--|---|

| | |
|---|---|
| For additional information contact: Liliana Rambo, CAPP <i>[Signature]</i> Phone: 713.853.8193 Jacquelyn L. Nisby <i>[Signature]</i> Phone: 832-393-8023 | Date and identification of prior authorizing Council Action: |
|---|---|

RECOMMENDATION: Adopt a motion authorizing the designation of a residential parking permit area in the Super Neighborhoods of University Place and Washington Coalition/Memorial Park.

| | |
|---|------------------------|
| Amount and Source of Funding: Not Applicable | Finance Budget: |
|---|------------------------|

SPECIFIC EXPLANATION: Chapter 26, Section 26-311 of the Code of Ordinances provides for the creation of Residential Permit Parking areas in neighborhoods where excessive commuter parking is deemed a problem for residents. To date, 94 permit areas have been designated.

The General Services Department, Parking Management Division, recommends that the following three proposed areas be designated residential parking permit areas, where on-street parking at the times of day and days of the week specified in the attachment require a valid permit. The General Services Department, Parking Management Division, and the Department of Public Works and Engineering, Traffic Engineering Branch reviewed the applications. The required public hearing was held on November 19, 2009 and all outstanding issues have been satisfactorily resolved.

The findings and related regulations for the following proposed areas are attached.

- 5400-5500 blocks of Kent, west side, between Bolsover and Dunstan and east side, between Rice Boulevard and Sunset Boulevard.
- Lillian Courtyard, 4500 block of Lillian - both sides; 900 block of Fowler - east side only; 900 block of Patterson - west side only.
- Rice Military:
 - 900 block of Lester, east side only
 - 700 block of Reinerman, both sides
 - 800 block of Reinerman, west side only
 - 5000 block of Floyd, south side only
 - 5100 block of Floyd, south side only
 - 4900 block of Rose, both sides
 - 5000 block of Rose, both sides only
 - 5100 block of Rose north side only
 - 5200 block of Rose, north side only
 - 5000 block of Lillian, both sides
 - 5100 block of Lillian, north side only
 - 5200 block of Lillian, south side only
 - 5300 block of Lillian, south side only
 - 5400 block of Lillian, south side only
 - 600 block of Sandman, west side only
 - 700 block of Sandman both sides

The designation will be effective 60 days after passage of the Motion, during which time the City will notify residents of on-street parking regulations, post signs and review resident vehicle parking permit applications. Parking Management will issue permits within the permit areas and, after 60 days, enforce the posted parking regulations.

The attached maps indicate the proposed locations and previously approved areas in the vicinity, if any.

IZD:LR:JLN:MLI:mrc

c: Marty Stein, Jacquelyn L. Nisby, Richard Smith, Arturo Michel

REQUIRED AUTHORIZATION

CUIC ID#25MRC003

| | |
|--|-----------------------------|
| General Services Department: Liliana Rambo, CAPP <i>[Signature]</i> Chief of Parking Management Division | Other Authorization: |
|--|-----------------------------|

Designation of Residential Parking Permit Areas: Findings

Permit Area and Restrictions Proposed by Applicant:

Application 082109-28-147

5400-5500 Kent, between Bolsover and Dunstan (west side only) and between Rice Blvd. and Sunset (east side only), proposed parking by permit only parking restrictions from Monday – Sunday, 12 a.m. – 12 a.m.

Findings:

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Engineering Branch, and the public at the November 19, 2009 hearing leads the Parking Official to find:

- A parking problem exists between the hours of 9 a.m. and 8 p.m., Monday through Sunday.
- More than 60 percent of the available parking spaces were occupied. More than 25 percent of cars parked curbside were vehicles generated by commuters from Rice University.
- Excessive commuter parking on the blocks creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 100 percent of residents (out of 10 households affected) signing the petition in favor of the permit area.
- No oral testimony in opposition was received at the public hearing.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.

Parking Official Recommendation:

Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside from 9 a.m. to 8 p.m., Monday through Sunday.

Residential Parking Permit Areas

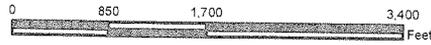
Legend

 UNIVERSITY PLACE (SN#28)

 Existing Areas

 Proposed Areas

082109-28-147: 5400-5500 KENT ST

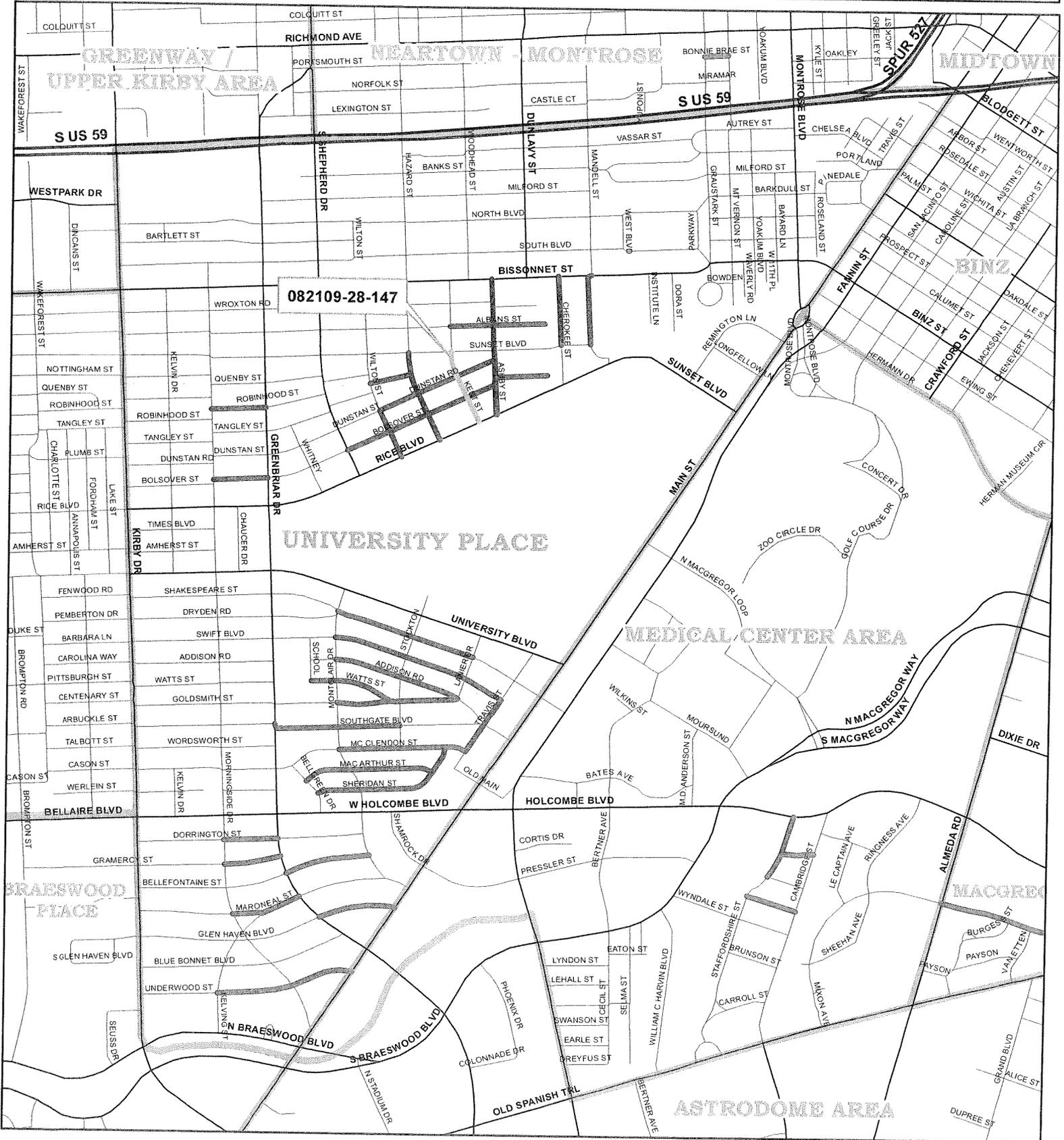


City of Houston
 Planning & Development Department
 GIS Services Division
 Map Date: November 2009

Disclaimer:

COHGIS data is prepared and made available for general reference purposes only and should not be used, or relied upon for specific applications, without independent verification. The City of Houston neither represents, nor warrants COHGIS data accuracy, or completeness, nor will the City of Houston accept liability of any kind in conjunction with its use.

PJ15279_kent





Proposed Residential Parking Permit Area

Application: 082109-28-147

5400-5500 KENT ST (77005)

City of Houston
 Planning & Development Department
 GIS Services Division
 Map Date: September 2009

Disclaimer:
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pj15119_kent

- Legend**
- Proposed
 - Land Use:**
 - Single-Family
 - Multi-Family
 - Commercial
 - Office
 - Industrial
 - Public & Institutional
 - Transportation & Utilities
 - Parks & Open Areas
 - Agriculture Production
 - Undeveloped
 - Unknown

Designation of Residential Parking Permit Areas: Findings

Permit Area and Restrictions Proposed by Applicant:

Application 093009-22-151

Lillian Courtyard, 4500 Lillian (both sides); 900 Fowler (east side only); 900 Patterson (west side only), proposed parking restrictions by permit only from 8 p.m. – 5 a.m., Wednesday through Saturday.

Findings:

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Engineering Branch, and the public at the November 19, 2009 hearing leads the Parking Official to find:

- A parking problem exists between the hours of 10 p.m. and 5 a.m., Wednesday through Sunday.
- More than 60 percent of the available parking spaces were occupied. More than 25 percent of cars parked curbside were vehicles generated by commuters from local bars and restaurants.
- Excessive commuter parking on the blocks creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 80 percent of residents (out of 35 households affected) signing the petition in favor of the permit area.
- No oral testimony in opposition was received at the public hearing.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.

Parking Official Recommendation:

Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside from 10 p.m. to 5 a.m., Wednesday through Saturday.

Residential Parking Permit Areas

Legend

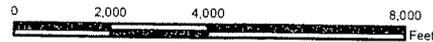
 WASHINGTON COALITION/MEMORIAL PARK (#22)

 Existing Areas

 Proposed Areas

092309-22-148: RICE MILITARY

093009-22-151: LILLIAN COURTYARD

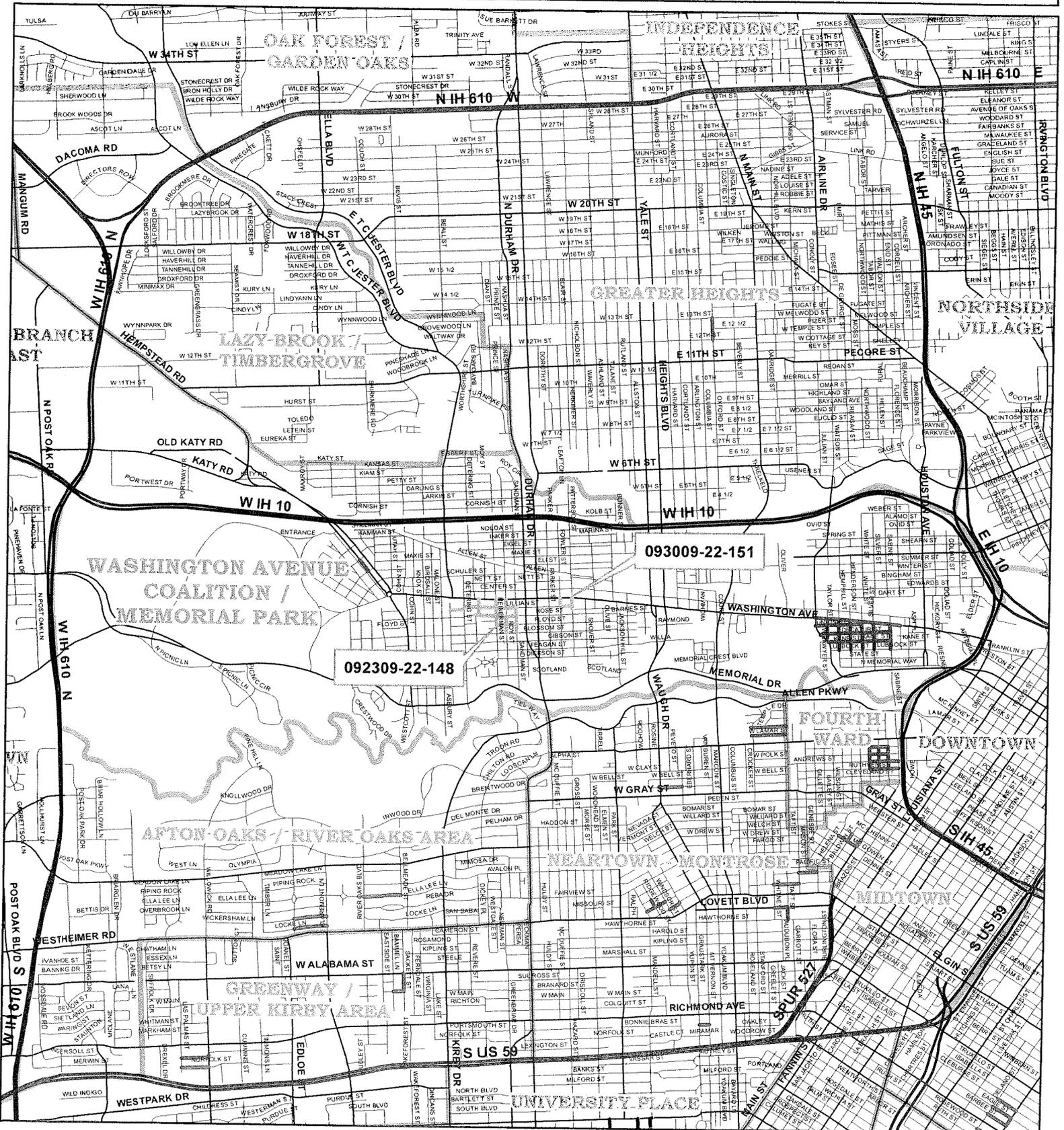


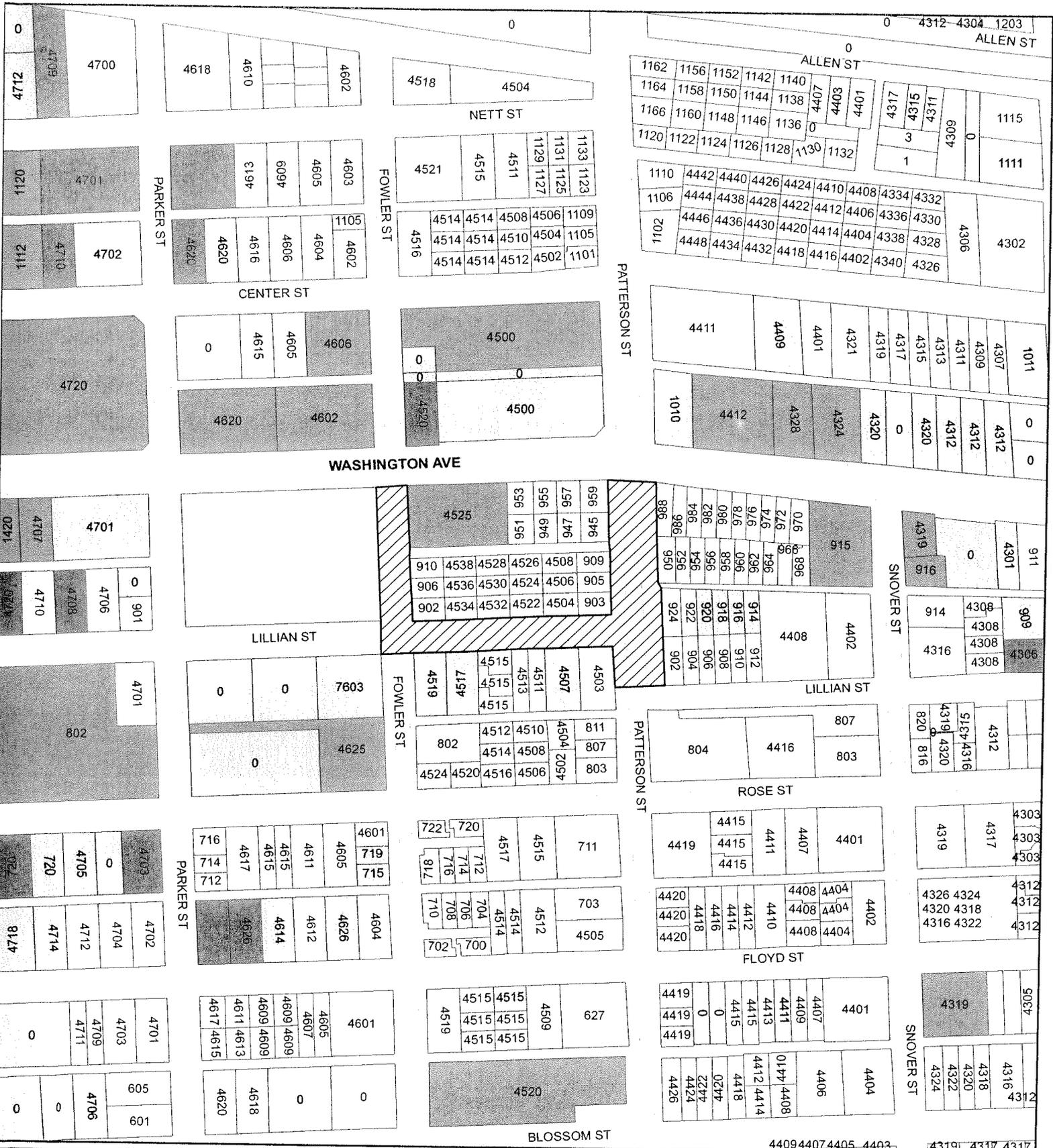
City of Houston
 Planning & Development Department
 GIS Services Division
 Map Date: November 2009



Disclaimer:
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PJ15279_rice_mil





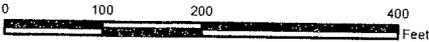
Proposed Residential Parking Permit Area

Application: 093009-22-151

LILLIAN COURTYARD AREA (77007)

City of Houston
 Planning & Development Department
 GIS Services Division
 Map Date: October 2009

Disclaimer:
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Legend

Proposed

Land Use:

- Single-Family
- Multi-Family
- Commercial
- Office
- Industrial
- Public & Institutional
- Transportation & Utilities
- Parks & Open Areas
- Agriculture Production
- Undeveloped
- Unknown

N

 THE CITY OF HOUSTON, TEXAS
 pj15241_Lillian

Designation of Residential Parking Permit Areas: Findings

Permit Area and Restrictions Proposed by Applicant:

Application 092309-22-148

Rice Military, proposed parking restrictions by permit only from 9 p.m. – 5 a.m., Wednesday through Saturday at the following locations:

- 5000 - 5400 blocks of Lillian, both sides
- 600 – 700 blocks of Roy, both sides
- 900 block of Roy, both sides
- 600 – 800 blocks of Sandman, both sides
- 5000 – 5100 blocks of Floyd, both sides
- 4900 – 5200 blocks of Rose, both sides
- 800 – 900 blocks of Lester, both sides
- 600 – 900 blocks of Reinerman, both sides

Findings:

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Engineering Branch, and the public at the November 19, 2009 hearing leads the Parking Official to find:

- A parking problem exists between the hours of 10 p.m. and 5 a.m., Wednesday through Saturday.
- More than 60 percent of the available parking spaces were occupied. More than 25 percent of cars parked curbside were vehicles generated by commuters from local bars and restaurants.
- Excessive commuter parking on the blocks creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 66 percent of residents (out of 243 households affected) signing the petition in favor of the permit area.
- Oral testimony in opposition was received at the public hearing.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.

Parking Official Recommendation:

Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside from 10 p.m. to 5 a.m., Wednesday through Saturday at the following locations:

- 900 block of Lester, east side only
- 700 block of Reinerman, both sides
- 800 block of Reinerman, west side only
- 5000 block of Floyd, south side only
- 5100 block of Floyd, south side only
- 4900 block of Rose, both sides
- 5000 block of Rose, both sides only
- 5100 block of Rose north side only
- 5200 block of Rose, north side only
- 5000 block of Lillian, both sides
- 5100 block of Lillian, north side only
- 5200 block of Lillian, south side only
- 5300 block of Lillian, south side only
- 5400 block of Lillian, south side only
- 600 block of Sandman, west side only
- 700 block of Sandman both sides

Residential Parking Permit Areas

Legend

 WASHINGTON COALITION/MEMORIAL PARK (#22)

 Existing Areas

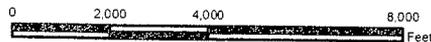
 Proposed Areas

092309-22-148: RICE MILITARY

093009-22-151: LILLIAN COURTYARD



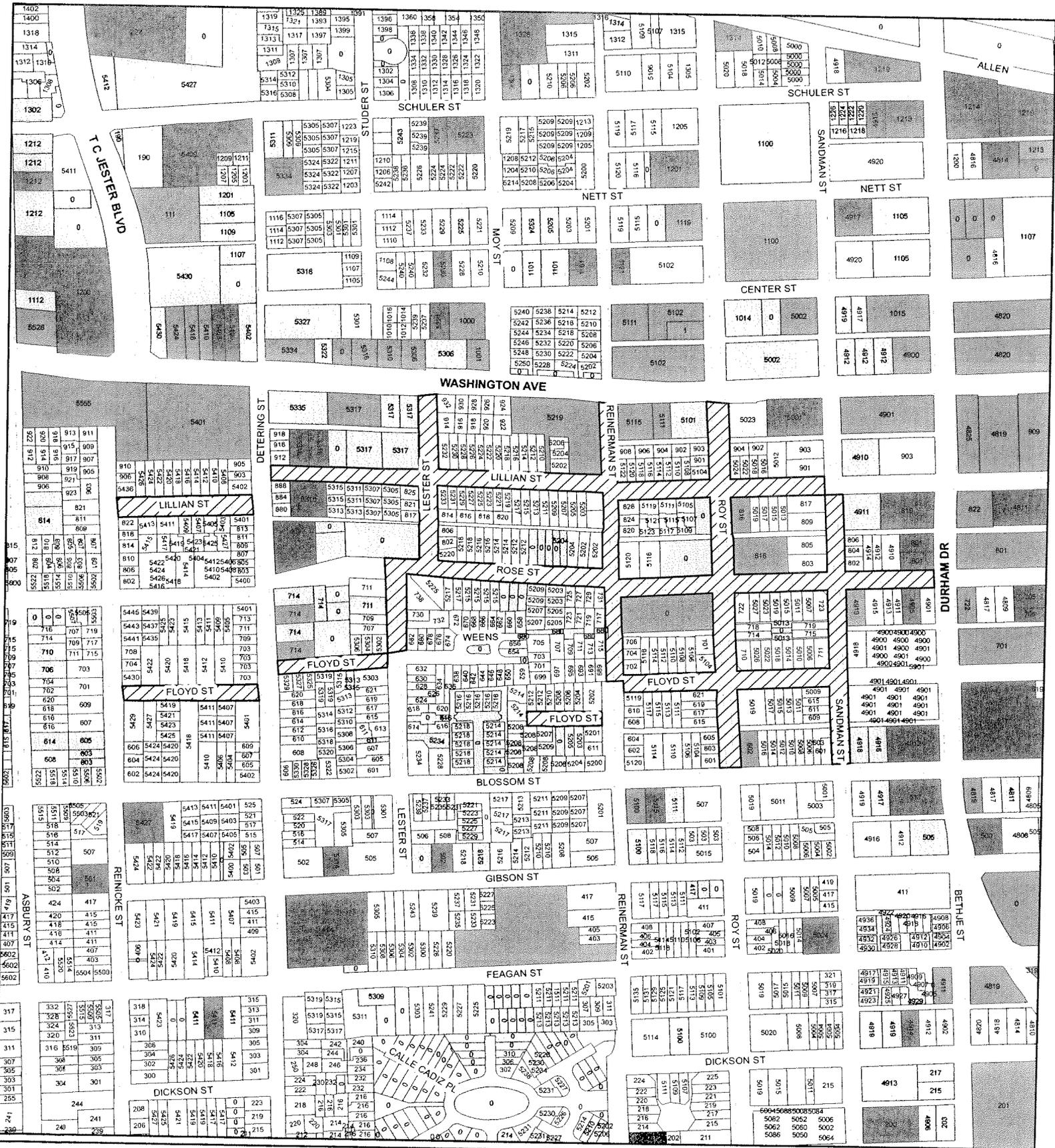
City of Houston
 Planning & Development Department
 GIS Services Division
 Map Date: November 2009



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PJ15279_rice_mil





Proposed Residential Parking Permit Area

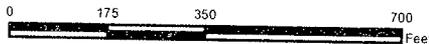
Application: 092309-22-148

RICE MILITARY AREA (77007)

City of Houston
 Planning & Development Department
 GIS Services Division
 Map Date: September 2009

Disclaimer:

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Legend

- Proposed
- Land Use:**
- Single-Family
- Multi-Family
- Commercial
- Office
- Industrial
- Public & Institutional
- Transportation & Utilities
- Parks & Open Areas
- Agriculture Production
- Undeveloped
- Unknown

O: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Improvement of Disinfecting Facilities at Sims Bayou and Bellaire Braes Pump Station. WBS No. S-000533-0004-4.

Page 1 of 1

Agenda Item #

7

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date
12/3/09

Agenda Date
DEC 03 2009

DIRECTOR'S SIGNATURE:

Michael S. Marcotte
Michael S. Marcotte, P.E., D.WRE, BCEE, Director

Council Districts affected:
D & F *SKF*

For additional information contact:

J. Timothy Lincoln, P.E.
Senior Assistant Director

J. Timothy Lincoln
Phone: (713) 837-7074

Date and Identification of prior authorizing Council Action:
Ord. #2006-0653 dated 06/21/2006

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$3,181,869.91, which is 2.17% under the original Contract Amount, accept the Work and authorize the final payment.

Amount and Source of Funding: No additional appropriation required.
Original appropriation of \$3,530,300.00 from Water and Sewer System Consolidated Construction Fund No. 755.

PROJECT NOTICE/JUSTIFICATION: This project was part of the City's rehabilitation and upgrades for the Ground Water Production Facilities Program. It is required to increase capacity, improve operability and ensure compliance with the Safe Drinking Water Act requirements as promulgated by Texas Commission on Environmental Quality (TCEQ).

DESCRIPTION/SCOPE: The project consisted of construction of improvements to the Sims Bayou Pump Station and Bellaire Braes Pump Station. CH2M Hill, Inc. designed the project with 365 calendar days allowed for construction. The project was awarded to LEM Construction Co., Inc. with an original Contract Amount of \$3,252,587.50.

LOCATION: The project areas are located at Sims Bayou Pump Station, 13840 Croquet Street and Bellaire Braes Pump Station, 12423 Bellaire Boulevard in Key Map Grids 571-P and 528-H.

CONTRACT COMPLETION AND COST: The Contractor, LEM Construction Co., Inc. has completed the Work under subject Contract. The project was completed within the Contract Time with additional 296 days allowed by Change Order Nos. 1 and 3. The time extension was for the revised piping layout and the replacement of the flow meters. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order Nos. 1 through 4 is \$3,181,869.91, a decrease of \$70,717.59 or 2.17% under the original Contract Amount.

The cost underrun is primarily due to the work not requiring use of Extra Unit Price Items.

M/WBE PARTICIPATION: The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 21.95%. The Contractor achieved an "Outstanding" rating for M/WBE compliance.

MSM:JTL:CWS:SKF:mq
Z:\E&C Construction\Facilities\Projects\S-0533-04-3 Sims Bayou & Bellaire Braes\Closeout\RCA\RCA.DOC

Velma Laws File No. S-000533-0004-4 - Closeout

REQUIRED AUTHORIZATION

CUIC ID# 20MZQ133

Finance Department:

Other Authorization:

Jun Chang
Jun Chang, P.E. Deputy Director
Public Utilities Division

Other Authorization:

Daniel R. Menendez
Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division

Gloria Forrest

MCY



LEGEND

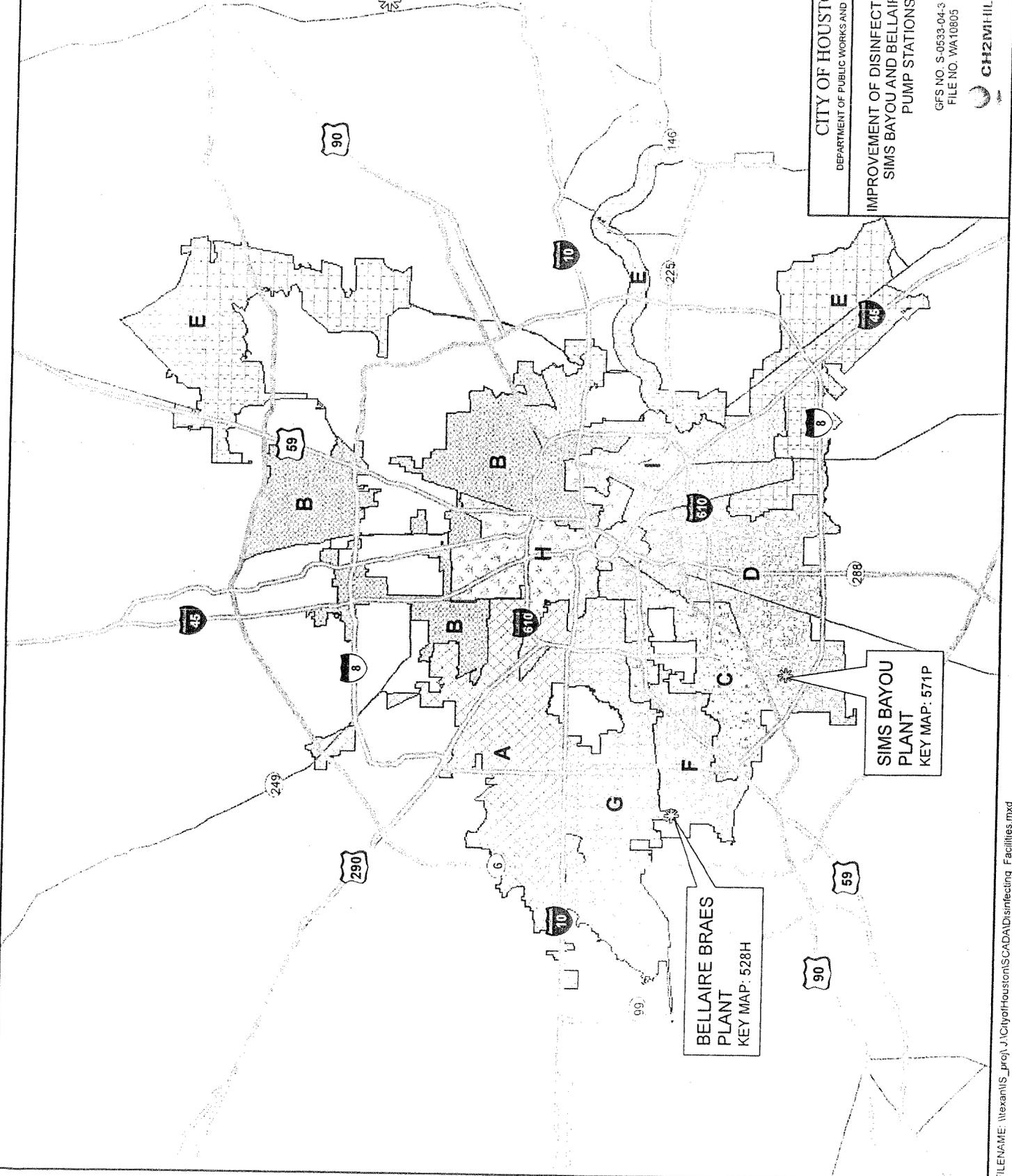
 Facility Location
 A
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CITY OF HOUSTON

DEPARTMENT OF PUBLIC WORKS AND ENGINEERING

**IMPROVEMENT OF DISINFECTING FACILITIES
SIMS BAYOU AND BELLAIRE BRAES
PUMP STATIONS**

GFS NO. S-0533-04-3
FILE NO. WA10805



**BELLAIRE BRAES
PLANT
KEY MAP: 528H**

**SIMS BAYOU
PLANT
KEY MAP: 571P**

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8526

Subject: Purchase of Consulting Services for Expansion of the "Together Against the Weather" Community Outreach for Special Needs Population for the Administration & Regulatory Affairs Department S45-Q23462

Category #
4

Page 1 of 2

Agenda Item

8

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date

November 02, 2009

Agenda Date

DEC 09 2009

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Terry Moore Phone: (713) 884-4554
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of consulting services for expansion of the "Together Against the Weather" community outreach for special needs population from Newman and Newman, Inc. in the total amount of \$95,600.00 for the Administration & Regulatory Affairs Department.

Award Amount: \$95,600.00

Finance Budget

\$95,600.00 - Federal State Local - Pass Through Fund (5030)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of consulting services for expansion of the "Together Against the Weather" community outreach for special needs population in the total amount not to exceed \$95,600.00 and that authorization be given to issue a purchase order to Newman & Newman, Inc.

Following Hurricanes Katrina and Rita, the Houston-Galveston Area Council (H-GAC) and Houston TranStar contracted with a team of communications specialists that included Newman & Newman, Inc. to help improve hurricane preparations among persons with special needs in its 13-county region. From their findings, the team developed a "Together Against the Weather" communications plan and tool kit, and held multiple training sessions with emergency management personnel throughout the H-GAC region on how to implement the plan's strategies, tactics and use of communication materials produced in multiple languages.

Subsequently, the City's Houston Department of Health & Human Services contracted with Newman & Newman, Inc. to conduct the same "Together Against the Weather" training workshops for service agencies and community organizations in Houston/Harris County. More than 250 representatives from organizations serving persons with special needs in the Greater Houston area attended. The City of Houston's Office of Emergency Management personnel and representatives from the Houston Department of Health & Human Services were also present at each of the training sessions to address questions and concerns regarding hurricane evacuation, transportation assistance and emergency preparedness policies specific to the Houston area.

As a major media market and headquarters to organizations that serve a significantly larger population of persons with special needs, the scale and need for implementation of these same "Together Against the Weather" media and DVD usage strategies is substantial. This award recommendation is for consulting services using Newman & Newman, Inc. to implement strategies from the campaign's communications plan in the Houston metropolitan area, which will include:

- Distribution and usage of point-of-service videos;

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MC

MSJ

MQ

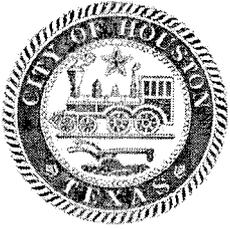
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| | | | |
|--------------------|---|--------------------------------|-------------|
| Date: 11/2/2009 | Subject: Purchase of Consulting Services for Expansion of the "Together Against the Weather" Community Outreach for Special Needs Population for the Administration & Regulatory Affairs Department S45-Q23462 | Originator's Initials SY | Page 2 of 2 |
|--------------------|---|--------------------------------|-------------|

- In-kind negotiations and placement of "Together Against the Weather" television and radio Public Service Announcements; and
- Media relations strategies, as well as composition and placement of media coverage.

Buyer: Sandy Yen

Attachment: MWBE Zero Percentage Goal Document approved by the Affirmative Action Division



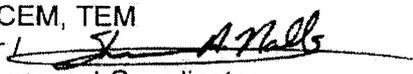
CITY OF HOUSTON

Office of Emergency Management

Interoffice

Correspondence

To: Marty Stein
Agenda Director

From: Sharon A. Nalls, CEM, TEM
Assistant Director 
Emergency Management Coordinator

Date: December 2, 2009

Subject: RCA# 8526 – Consulting Services for
Together Against the Weather
Campaign

The Together Against the Weather (TAW) Campaign was initiated following Hurricane Rita. The Houston-Galveston Area Council was asked by Harris, Galveston, and Brazoria Counties to coordinate an evacuation task force. During the process of evaluating the region's response to hurricane evacuation, a group of emergency managers and public information officers noted their need for assistance in communicating with special needs populations, which became part of the Houston-Galveston Area Evacuation and Response Task Force recommendations. As part of these recommendations, H-GAC in partnership with the Houston TranStar partners engaged a small team of consultants to develop a hurricane evacuation communications initiative targeting populations with special needs.

The consultant team engaged 150 subject matter experts from organizations serving one or more of the project's targeted special needs categories, including hearing impaired, homebound, homeless, illiterate, media non-users, medical conditions, sight impaired, Spanish speaking, and Vietnamese speaking. In addition, the team also met with 200 emergency management contacts from the 13-counties and 132 cities in the H-GAC region to include the City of Houston.

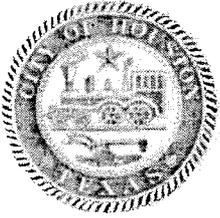
The first phase was completed in the summer of 2008 and is available for review on the H-GAC Special Need Evacuation Information website (http://www.h-gac.com/taq/hurricane/special_needs/default.aspx).

The second phase of the project was funded by the City of Houston Department of Health & Human Services in July 2009 and focused on education of the service providers to these individuals and was conducted in cooperation with the Office of Emergency Management in a series of town hall presentations held during the 2009 hurricane season. A noteworthy benefit of this program was a greater than 20% increase in Transportation Assistance Registry participation that came in from service providers.

The RCA coming before you is for phase three of the project to focus on outreach to mass media outlets. The communication materials developed in phase one included flyers for print media, audio spots for radio and hold announcements, and point of service videos for television and looped video displays. Presently, the looped video display at each of the Houston Airports includes the Together Against the Weather material.

The Channing Bete material recently approved by Council (RCA # 8525) for the City of Houston Department of Health & Human Services is both education and research. The material includes surveys to be administered ahead of and following the distributed preparedness material. Through the outreach conducted, the learning patterns for these target audiences could provide an opportunity to enhance future materials as well as identify any remaining gaps that need to be addressed to encourage preparedness throughout our community. The City of Houston Department of Health & Human Services has made a modification in the distribution plan of the Channing Bete materials to replace their DVD with the latest version of the Ready Houston DVD that includes the Together Against the Weather material.

The combined efforts of RCA # 8526 and the previously approved RCA # 8525 for Channing Bete provide an opportunity for the City to enhance all of our preparedness materials and remind citizens that community disaster resilience begins with their individual preparedness.



CITY OF HOUSTON

Interoffice

Administration & Regulatory Affairs Department
Strategic Purchasing Division

Correspondence

To: Calvin D. Wells, Deputy Director
City Purchasing

RECEIVED

From: Terry Moore, Division Manager
Sandy Yen, Senior Buyer

OCT 23 2009

Date: October 28, 2009

Affirmative Action

Subject: MWBE Participation Form

I am requesting a **waiver** of the MWBE Goal: Yes No Type of Solicitation: Bid Proposal

I am **requesting** a MWBE goal below 11% Yes No _____ 0%

I am requesting a **revision** of the MWBE Goal: Yes No Original Goal: _____ New Goal: _____

If requesting a revision, how many solicitations were received: _____

Solicitation Number: S45-Q23462 Estimated Dollar Amount: \$95,600.00

Anticipated Advertisement Date: _____ Solicitation Due Date: _____

Goal On Last Contract: N/A Was Goal met: Yes No

If goal was not met, what did the vendor achieve: _____

Name and Intent of this Solicitation: Expansion of the "Together Against the Weather" community outreach for special needs population for the Administration & Regulatory Affairs Department

Rationale for requesting a Waiver or Revision: The specific project was developed by Newman and Newman and The Padgett Group. This is the Phase 3 of the project with the City expanding the media outreach to major media outlets.

Phase 1 was done through a partnership with the Houston Galveston Area Council following Hurricane Rita and developed the product "Together Against the Weather" campaign to target vulnerable populations with special medical needs to assist with education related to disaster preparedness.

Phase 2 of the project targeted the health providers for this population empowering them as a trusted agent to help deliver the message and was funded by the Health and Human Services Department.

This phase is targeted to the major media outlets to broaden the delivery of the message. Therefore, there is no MWBE subcontracting possibility for this phase of the campaign; thus the request for zero MWBE goal for this project phase.

Concurrence:

Initiator

Deputy Assistant Director

Robert Gallegos, Deputy Assistant Director
*Affirmative Action

Calvin D. Wells, Deputy Director
City Purchasing Agent

* Signature is required, if the request is for zero percent MWBE participation, or to revise the MWBE goal.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8534

Subject: Formal Bids Received for Parking Improvements at Lot "C", 1600 Memorial Drive, for the General Services Department. S50-C23396

Category #
4

Page 1 of 2

Agenda Item

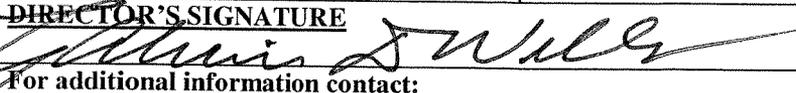
9

FROM (Department or other point of origin):
Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date
November 16, 2009

Agenda Date
DEC 09 2009

DIRECTOR'S SIGNATURE

MS


Council District(s) affected
H-Gonzalez

For additional information contact:
Jacquelyn L. Nisby Phone: (832) 393-8023
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to AAA Asphalt Paving, Inc. on its low bid in the amount of \$214,231.50 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$21,423.15 for a total amount not to exceed \$235,654.65 to provide parking improvements at Lot "C", 1600 Memorial Drive, for the General Services Department.

Award Amount: \$235,654.65

Finance Budget

\$235,654.65 - Civic Center Facility Revenue Fund (8601)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to AAA Asphalt Paving, Inc. on its low bid in the amount of \$214,231.50 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$21,423.15 for a total amount not to exceed \$235,654.65 to provide parking improvements at Lot "C", 1600 Memorial Drive, for the General Services Department and that authorization be given to issue purchase orders as necessary. These improvements will make the lot safer and easier to use by City employees and Municipal Courts' visitors who now utilize the lot.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Thirty prospective bidders downloaded this solicitation document on SPD's e-bidding website and three bids were received as outlined below.

| | <u>Company</u> | <u>Total Amount</u> |
|----|-----------------------------------|---------------------|
| 1. | AAA Asphalt Paving, Inc. | \$214,231.50 |
| 2. | Derk Harmsen Construction Company | \$245,724.50 |
| 3. | Carrera Construction, Inc. | \$308,724.00 |

The scope of work requires the construction contractor to provide all labor, materials, equipment, supervision, and transportation necessary to repair and resurface approximately 67,548 square feet of asphalt parking lot and repair all storm drain openings. The contractor shall also be required to coat, seal, re-stripe and provide ornamental fencing around the perimeter of the entire parking lot. Additionally, the contractor shall provide a new entrance sign and electrical service to the existing security booth. The warranty period on all materials and workmanship is one year and the life expectancy of the project is twenty years. The contractor shall have 60 calendar days to complete all work described herein as well as in the structural drawings, after receipt of the notice to proceed from the City.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MS
AS

Date:
11/16/2009 ,

Subject: Formal Bids Received for Parking Improvements at Lot "C",
1600 Memorial Drive, for the General Services Department.
S50-C23396

Originator's
Initials
AL

Page 2 of 2

Pay or Play Program:

The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

Buyer: Arturo Lopez

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8585

Subject: Purchase of Resale Items for Golf Course Pro Shops for the Parks & Recreation Department.
S08-E23508

Category #
4

Page 1 of 1

Agenda Item

10

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date

November 25, 2009

Agenda Date

DEC 09 2009

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

All

For additional information contact:

Daniel Pederson Phone: (832) 395-7062
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the exempt purchase of resale items for the golf course pro shops from the Acushnet Company in a total amount not to exceed \$140,000.00 for the Parks & Recreation Department.

Award Amount: \$140,000.00

Finance Budget

\$140,000.00 - Parks Special Revenue Fund (2100)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the exempt purchase of resale items for municipal golf course pro shops from the Acushnet Company in a total amount not to exceed \$140,000.00 for the Parks & Recreation Department, and that authorization be given to issue purchase orders. This purchase will consist of towels, gloves, clubs, tees, balls, etc. and be used to stock pro shops at the Memorial, Sharpstown, Gus Wortham and Brock Golf Courses for resale to patrons who use these facilities.

Revenues generated from these resale items will be returned to the Parks Special Revenue Fund.

This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (14) of the Texas Local Government Code for exempted procurements.

Buyer: Angela Dunn

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MP

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8529

Subject: Purchase of Utility Vehicles Through the Houston-Galveston Area Council for the Houston Police Department
S34-N23459-H

Category #
1 & 4

Page 1 of 1

Agenda Item

11-11A

FROM (Department or other point of origin):
Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date
November 17, 2009

Agenda Date
DEC 09 2009

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

For additional information contact:
Joseph Fenninger *JF* 11/20/09 Phone: (713) 308-1708
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:
Ordinance No. 2009-1076, Passed 11/4/2009

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$17,547.04 out of the Equipment Acquisition Consolidated Fund (Fund 1800) and approve the purchase of utility vehicles through the Houston-Galveston Area Council (H-GAC) in the amount of \$167,543.04 for the Houston Police Department.

Award Amount: \$167,543.04

Finance Budget

\$ 17,547.04 - Equipment Acquisition Consolidated Fund (Fund 1800)
\$149,996.00 - Equipment Acquisition Consolidated Fund (Fund 1800), Appr. Ord. No. 2009-1076, 11/4/2009

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$17,547.04 out of the Equipment Acquisition Consolidated Fund (Fund 1800). It is further recommended that City Council approve the purchase of seven 4-door, heavy-duty, utility vehicles through the Interlocal Agreement for Cooperative Purchasing with H-GAC in the amount of \$167,543.04 for the Houston Police Department, and that authorization be given to issue a purchase order to the H-GAC contractor, Philpott Motors, Ltd. These vehicles will be used citywide by the Department's SWAT Division to transport police officers and specialized equipment to crime scenes involving barricaded suspects and hostage situations. The funding for these vehicles is included in the adopted Equipment Acquisition Plan. The appropriation amount of \$17,547.04 is required to supplement an appropriation previously approved by City Council on November 4, 2009, Ordinance No. 2009-1076.

These new vehicles will meet the EPA's current emission standards for low emission vehicles. They will come with a full three-year/36,000 mile warranty and the life expectancy is seven years or 100,000 miles. As detailed in the Equipment Usage Summary below, these new utility vehicles will replace existing units that have exceeded their life expectancy and will be sent to auction for disposition.

| Requisition No. | Qty | Description | Vehicle Replacement | | |
|-----------------|-----|-----------------------------|---------------------|-----|---------|
| | | | Shop No. | Age | Mileage |
| 10085166 | 7 | Heavy-Duty Utility Vehicles | 29084 | 11 | 241,474 |
| | | | 32547 | 7 | 186,835 |
| | | | 32543 | 7 | 185,557 |
| | | | 32538 | 7 | 177,934 |
| | | | 28333 | 11 | 165,757 |
| | | | 32546 | 7 | 163,112 |
| | | | 32532 | 7 | 154,864 |

Buyer: Larry Benka

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

[Signature] 11/20/09

NOT

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8576

Subject: Best Value Bids Received for Chemical, Inorganic Metal Salt Coagulant S12-S23038

Category #
4

Page 1 of 1

Agenda Item

12

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date

December 03, 2009

Agenda Date

DEC 09 2009

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

All

For additional information contact:

David Guernsey Phone: (832) 395-3640
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to Kemira Water Solutions, Inc. (Bid No. 2) on its best value bid in an amount not to exceed \$1,583,182.00 for inorganic metal salt coagulant (ferric sulfate) for the Public Works & Engineering Department.

Estimated Spending Authority: \$1,583,182.00

Finance Budget

\$1,583,182.00 - Water & Sewer System Operating Fund (8300)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Kemira Water Solutions, Inc. (Bid No. 2) on its best value bid in an amount not to exceed \$1,583,182.00 for ferric sulfate for the Public Works & Engineering Department. It is further requested that authorization be given to issue purchase orders, as needed, for a 36-month period with two one-year options, for a total five-year term. This award, consisting of approximately 15,000 wet tons of ferric sulfate, will be used by the Department's Drinking Water Operations to extract dirt and other contaminants from raw water during the potable drinking water treatment process. Ferric sulfate is necessary to maintain compliance with the Environmental Protection Agency, Texas Commission on Environmental Quality, and the National Pollutant Discharge Elimination System's enhanced coagulation mandates.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Fifteen prospective bidders downloaded the solicitation document from SPD's e-bidding website and three bids were received. The bids were evaluated based upon the following criteria:

- Bid price
- Past performance participation with the City
- Conformance to the invitation to bid requirements and technical specifications
- M/WBE subcontracting

Kemira Water Solutions, Inc. (Bid No.2) received the highest overall score.

Buyer: Martin L. King

Attachment: M/WBE Zero Percent Goal document approved by the Affirmative Action Division

REQUIRED AUTHORIZATION

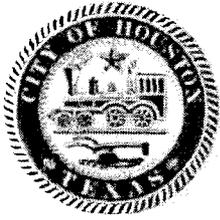
Finance Department:

Other Authorization:

Other Authorization:

NOT

W.D.



CITY OF HOUSTON

Administration & Regulatory Affairs Department
Strategic Purchasing Division

Interoffice

Correspondence

To: Calvin D. Wells, Deputy Director
City Purchasing

From: Martin L. King
Sr. Staff Analyst
SPD MWBE Liaison

Date: October 27, 2009

Subject: MWBE Participation Form

I am requesting a **waiver** of the MWBE Goal:

Yes No

Type of Solicitation:

Bid Proposal

I am **requesting** a MWBE goal below 11%

Yes No 0% _____

I am requesting a **revision** of the MWBE Goal:

Yes No

Original Goal:

0% _____
New Goal: _____

If requesting a revision, how many solicitations were received: 1

Solicitation Number: S12-S23038 Estimated Dollar Amount: \$1,583,182.00

Anticipated Advertisement Date: 7/03/09

Solicitation Due Date: 07/23/2009

Goal On Last Contract: 0%

Was Goal met: Yes No

If goal was not met, what did the vendor achieve: N/A

Name and Intent of this Solicitation: Chemical, Inorganic Metal Salt Coagulant (Ferric Sulfate) for the Public Works & Engineering Department

Rationale for requesting a Waiver or Revision: There is no potential for M/WBE participation for the ferric sulfate chemical to be supplied is mined, processed and loaded in secured trailer tanks to be shipped "immediately and directly" from the manufacturing/shipping facility, located in Rowley, UT to the City of Houston water facility. In addition, due to homeland security requirements and the security of the City's vital water production plants, any residual M/WBE participation is further limited. Therefore, there is no M/WBE subcontracting possibility on this procurement and the recommend the continued zero 0% M/WBE goal on this procurement.

Concurrence:

Initiator

Deputy Assistant Director

Robert Gallegos, Deputy Assistant Director
*Affirmative Action

Calvin D. Wells, Deputy Director
City Purchasing Agent

* Signature is required, if the request is for zero percent MWBE participation, or to revise the MWBE goal.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8519

Subject: Best Value Bids Received for Chemical, Aqua Ammonia for the Public Works & Engineering Department
S12-S23036

Category #
4

Page 1 of 1

Agenda Item

13

FROM (Department or other point of origin):
Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date
December 03, 2009

Agenda Date
DEC 09 2009

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

For additional information contact:
David Guernsey Phone: (832) 395-3640
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to Southern Ionics on its best value bid in an amount not to exceed \$1,346,873.89 for aqua ammonia for the Public Works & Engineering Department.

Estimated Spending Authority: \$1,346,873.89

Finance Budget

\$1,346,873.89 - Water & Sewer System Operating Fund (8300)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Southern Ionics on its best value bid in an amount not to exceed \$1,346,873.89 for aqua ammonia for the Public Works & Engineering Department. It is further requested that authorization be given to issue purchase orders, as needed, for a 36-month period with two one year options to extend, for a total five-year term. This award, consisting of approximately 2,650 tons of aqua ammonia will be utilized on a daily basis by the Department's Drinking Water Operations to prevent the formation of carcinogenic compounds during the potable drinking water treatment process. Aqua ammonia is required to maintain compliance with the Environmental Protection Agency and the Texas Commission on Environmental Quality mandates.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Ten prospective bidders downloaded the solicitation document from SPD's e-bidding website and three bids were received. The bids were evaluated based upon the following criteria:

- Bid price
- Past performance participation with the City
- Conformance to the invitation to bid requirements and technical specifications
- M/WBE subcontracting

Southern Ionics received the highest overall score.

M/WBE Subcontracting:

This bid was issued with a 11% goal for M/WBE participation. **Southern Ionics** has designated the below named company as its certified M/WBE subcontractor:

| <u>Name</u> | <u>Type of Work</u> | <u>Amount</u> |
|--------------|---------------------------------|---------------|
| Oil Products | Chemical and Petroleum Supplies | \$148,156.12 |

This award will be monitored by the Affirmative Action Division.

Buyer: Martin L. King

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NOT

2009

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8531

Subject: Amend Council Motion 2007-0533, Passed June 6, 2007 for Equipment, Onan Generator Replacement Parts and Repair Services for Various Departments
S44-S22337-A1

Category #
4

Page 1 of 1

Agenda Item

14

FROM (Department or other point of origin):
Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date
November 10, 2009

Agenda Date
DEC 09 2009

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Jack Williams Phone: (713) 247-8793
Desiree Heath Phone: (832) 393-8742

Date and Identification of prior authorizing Council Action:
CM2007-0533, passed 06/06/2007

RECOMMENDATION: (Summary)

Amend Council Motion 2007-0533, passed June 6, 2007, to increase the spending authority from \$300,550.00 to \$375,687.50 for Onan generator replacement parts and repair services for various departments.

Spending Authority Increased by: \$75,137.50

Finance Budget

\$75,137.50 General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council amend Council Motion 2007-0533 to increase the spending authority to purchase Onan generator replacement parts and repair services awarded to Channelview Supply Company from \$300,550.00 to \$375,687.50. The additional spending authority is required to meet the Departments' operational needs for approximately six months, when a new award will be presented to City Council. The warranty coverage of the Onan generators are expiring at an increasing rate and the departments are optioning to make repairs, in lieu of, replacing entire generators.

This award began on June 12, 2007 for a sixty-month period. Expenditures as of November 2, 2009 totaled \$273,848.13. All other terms and conditions shall remain as originally approved by City Council.

Buyer: John Tatman

Attachment: M/WBE zero percent goal document approved by the Affirmative Action Division

Estimated Spending Authority

| DEPARTMENT | FY10 |
|--------------------|--------------------|
| Fire | \$58,000.00 |
| Police | \$17,137.50 |
| GRAND TOTAL | \$75,137.50 |

REQUIRED AUTHORIZATION

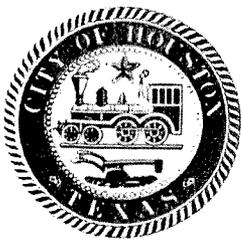
Finance Department:

Other Authorization:

Other Authorization:

NG

NG



CITY OF HOUSTON

Finance & Administration Department
Strategic Purchasing Division (SPD)

Interoffice

Correspondence

To: Kevin M. Coleman, C.P.M.
Assistant Purchasing Agent

From: Greg Hubbard

Date: April 23, 2007

Subject: MWBE Participation Form (a)

I am requesting a waiver of the MWBE Goal: Yes No Type of Solicitation: Bid Proposal

I am requesting a MWBE goal below 11% (To be completed by SPD, and prior to advertisement): Yes No

I am requesting a revision of the MWBE Goal: Yes No Original Goal: 3% New Goal: 0%

If requesting a revision, how many solicitations were received: 1

Solicitation Number: S10-S22337 Est. Dollar Amount: \$300,550.00

Anticipated Advertisement Date: 3/23/2007 Solicitation Due Date: 4/12/2007

Goal On Last Contract: 0% Was Goal met: Yes No

If goal was not met, what did the vendor achieve: N/A

Name and Intent of this Solicitation: Onan Generator Replacement Parts Equipment and Services award

This Onan Generator Replacement Parts Equipment and Services award will be used by the various departments to purchase generators and replacement parts equipment for emergency backup power at facilities, auxiliary air conditioning, and backup power for citywide emergency routes.

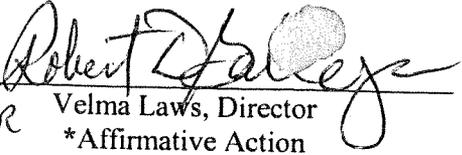
Rationale for requesting a Waiver or Revision (Zero percent goal or revision after advertisement):
(To be completed by SPD)

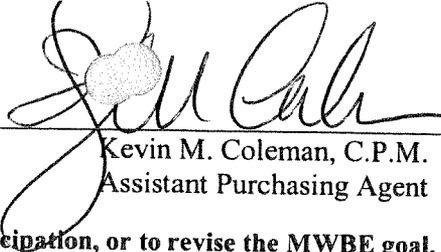
The current contract (S20261 and O/A 4600000127) has an existing 0% sign-off goal due to the incumbent supplier drop-shipping City's orders from the manufacturer's site to the end-users, and the same will apply to this renewal contract as well, as orders will be shipped direct from various out-of-state locations. Regarding the small-dollar labor component of this award, supply items such as command posts and RAM units will be dropped off at the supplier's location for repairs. Supplier Channelview Supply Company is Onan-generator certified, which qualifies their technicians to perform work on these Onan-safety-specialty materials. Combining the direct shipment of supplies arriving from the manufacturer to the City of Houston, along with unknown Onan-product specialty technicians outside of sole bidder Channelview Supply Company, it is therefore recommended to approve a 0% goal for this upcoming contract award. (See attached supplier letters.)

Concurrence?

Greg Hubbard
SPD Initiator

Desiree Heath
Division Manager


FOR Velma Laws, Director
*Affirmative Action


Kevin M. Coleman, C.P.M.
Assistant Purchasing Agent

* Signature is required, if the request is for zero percent MWBE participation, or to revise the MWBE goal.

File location: <http://choice.net/spd/forms.html>

2

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8476

Subject: Approve Spending Authority for the Purchase of Tech-Related Products/Services through the Texas Department of Information Resources and the Master Intergovernmental Coop. Purchasing Agreement with U.S. Communities for Various Dept./E23418

Category #
4

Page 1 of 2

Agenda Item

15

FROM (Department or other point of origin):
Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date
December 03, 2009

Agenda Date
DEC 09 2009

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Richard Lewis Phone: (832) 393-0082
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve spending authority for the purchase of technology-related products/services in an amount not to exceed \$83,000,000.00 through the Texas Department of Information Resources (DIR) and the Master Intergovernmental Cooperative Purchasing Agreement (MICPA) with U.S. Communities for various departments.

Estimated Spending Authority: \$83,000,000.00

Finance Budget

Various funds for various departments

SPECIFIC EXPLANATION:

Background

Beginning in the 1980's, the Texas Legislature began to recognize the potential benefits of information and communication technology to reduce the cost of state and local government. As a result, acts of the Legislature since that time have streamlined the procurement processes and provided cooperative purchasing programs between the state and political subdivisions, i.e., counties, cities, school districts, etc. Additional changes made by the 2007 Texas Legislature have delegated State contracts to be administered by DIR. This change allows the City to leverage numerous existing State contracts, which have increased the utilization of the DIR Go-Direct program.

Recommendation

The City Purchasing Agent recommends that City Council approve spending authority for the purchase of technology-related products/services in an amount not to exceed \$83,000,000.00 through DIR and MICPA with U.S. Communities for various departments and that authorization be given to issue purchase orders, as-needed, to DIR contract holders and U.S. Communities Lead Public Agency contractors as shown below. Individual purchases over \$300,000.00 will require separate Council approval, and the Information Technology Department will continue to provide quarterly reports to Council detailing spending under each agreement.

DIR: Approve estimated spending authority in an amount not to exceed \$75,000,000.00.

GTSI Corp.: Approve estimated spending authority in an amount not to exceed \$6,000,000.00.

Insight Public Sector, Inc.: Approve estimated spending authority in an amount not to exceed \$1,000,000.00.

Solutions4SURE.com, Inc., D/B/A Tech Depot: Approve estimated spending authority in an amount not to exceed \$1,000,000.00.

REQUIRED AUTHORIZATION

NDT

Finance Department:

Other Authorization:

Other Authorization:

| | | | |
|--------------------|---|--------------------------------|-------------|
| Date: 12/3/2009 | Subject: Approve Spending Authority for the Purchase of Tech-Related Products/Services through the Texas Department of Information Resources and the Master Intergovernmental Coop. Purchasing Agreement with U.S. Communities for Various Dept./E23418 | Originator's Initials DM | Page 2 of 2 |
|--------------------|---|--------------------------------|-------------|

The DIR and MICPA with US Communities Lead Public Agency contractors will provide technology products and services for all City Departments and will significantly reduce the amount of staff time required to develop specifications and bid items for IT software, hardware, equipment and related services. The utilization of the MICPA allows the City to leverage numerous existing US governmental contracts with over 38,000 participating agencies with an estimated purchasing power value of \$1.5 billion annually. Moreover, the City will receive the (most favored nation rate). As a result, the City shall capitalize on significant cost savings.

The City is eligible to participate in the US Communities Purchasing Alliance as set out in Section 791.011 of the Government Code and such purchases satisfy state bid laws as set out in Section 791.025 of the Government Code.

M/WBE Compliance:

All purchases made pursuant to the DIR and MICPA with US Communities Lead Public Agency contractors valued at \$100,000.00 or greater are assessed in terms of divisibility of the work and the M/WBE capacity related to the type of work to be performed. The City assigns the M/WBE participation goal in the pre-procurement phase and will be referenced on each purchase order issued.

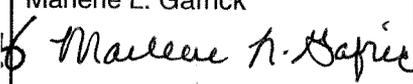
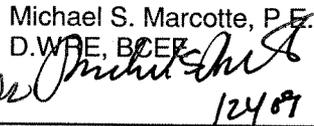
This item was presented to the Budget & Fiscal Affairs Committee on December 1, 2009. No action was taken due to lack of quorum.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | |
|--|-------------------|-----------------------|--------------------------------|
| SUBJECT: Ordinance amending Chapter 33 (Tree and Shrub Ordinance) of the Code of Ordinances to clarify how provisions will apply to city funded construction and reconstruction projects. | Category # | Page 1 of 1 | Agenda Item # 16 |
|--|-------------------|-----------------------|--------------------------------|

| | | |
|--|------------------------------------|-----------------------------------|
| FROM (Department or other point of origin): Departments of Public Works and Engineering, Planning and Development | Origination Date 12/4/09 | Agenda Date DEC 09 2009 |
|--|------------------------------------|-----------------------------------|

| | | |
|--|---|--|
| DIRECTOR'S SIGNATURE: Marlene L. Gafrick  | Michael S. Marcotte, P.E., D.WRE, BCEP  12/4/09 | Council District affected: All |
|--|---|--|

| | |
|---|--|
| For additional information contact: Andrew F. Icken Deputy Director Phone: (713) 837- 0510 | Date and identification of prior authorizing Council action: 2009-0084 on 2/11/09 |
|---|--|

RECOMMENDATION: Adopt an ordinance amending Article V of Chapter 33 of the Code of Ordinances relating to trees, shrubs and screening fences;

Amount and Source of Funding: N/A

BACKGROUND:

In 1990, City Council approved a Resolution adopting the policy that the city would expend up to 1% of the construction costs of roadway improvements for trees, landscaping and beautification of streets and thoroughfares. In 2003, the Parks and Recreation and Public Works and Engineering Departments signed a letter of agreement on the procedures to use in implementing this policy. In 2008, the City Controller audited the implementation of the Resolution and found that although the procedures were followed, the departments were interpreting the implementation of the Resolution differently. After an analysis of the Resolution and its intent, the administration recommends amending Chapter 33 of the Code of Ordinances (Tree and Shrub Ordinance) to clarify and implement the 1% Resolution.

The purpose of Chapter 33 is to set standards for planting street trees along public street rights-of-way (1 tree every 30 feet) for private developers. Section 33-102 already states that this provision is also applicable to the City, however it needs to include parameters for application and an updated definition of qualifying projects. PWE and Planning and Development Department propose adding the provision that City-funded construction or reconstruction projects that include the entire width of the street pavement and are at least 30-feet in length adhere to Chapter 33.

The proposed amendments will ensure that the city adheres to the same standards we require for private development. PWE will develop new procedures to implement landscaping and tree planning within each qualifying CIP project, which will improve efficiency and reduce overall cost. This ordinance will not affect any projects in the Capital Improvement Plan. As PWE moves through implementation of the ordinance, the impact and costs on projects will be monitored.

REQUIRED AUTHORIZATION 20AF153A

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| | Other Authorization:  Daniel R. Menendez, P.E. Deputy Director Engineering and Construction | Other Authorization:  Andrew F. Icken Deputy Director Planning and Development Services |
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DEC 09 2009

City of Houston, Texas, Ordinance No. 2009-_____

AN ORDINANCE AMENDING ARTICLE V OF CHAPTER 33 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO TREES, SHRUBS AND SCREENING FENCES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City of Houston is a municipal corporation organized under the Constitution and the general and special laws of the State of Texas and exercises powers granted by the City's Charter and the provisions of Article XI, Section 5 of the Texas Constitution; and

WHEREAS, in the exercise of its lawful authority, the City may enact police power ordinances to promote and protect the health, safety, and welfare of the public; and

WHEREAS, the City has enacted Chapter 33 of the Code of Ordinances, which *inter alia* provides protection for trees in the City's rights-of-way; and

WHEREAS, the City Council finds that the adoption of amendments to Article V of Chapter 33 of the Code of Ordinances would further enhance the benefits derived to the public health, safety, and welfare through regulation of trees and shrubs;

NOW, THEREFORE;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. That Subsection (a) of Section 33-101 of the Code of Ordinances, Houston, Texas, is hereby amended by amending the definition of *building site* to read as follows:

“Building site means:

- (1) The tract or parcel of land which is designated on the building permit application, together with all contiguous tracts or parcels of land held under common ownership and any existing buildings and appurtenant parking;
- (2) If designated, an artificial lot contained therein and delineated by the planning official; or
- (3) A city-funded construction or reconstruction project that includes the entire width of the pavement of a public street and is at least 30 feet in length.”

Section 3. That Subsection (a) of Section 33-121 of the Code of Ordinances, Houston, Texas, is hereby amended by amending Items (2) and (3) and adding a new Item (4) to read as follows:

- “(2) There is an enlargement exceeding 1,000 square feet in area of the exterior dimensions of an existing nonresidential or multifamily residential building for which a building permit is required;
- (3) There is either a new parking lot for which site plans are required for initial construction under the provisions of chapter 26 of this Code or an existing parking lot which is expanded in area to provide additional parking spaces; or
- (4) There is a city-funded construction or reconstruction project that includes the entire width of the pavement of a public street and is at least 30 feet in length.”

Section 4. That Section 33-121 of the Code of Ordinances, Houston, Texas, is hereby further amended by amending Subsection (b) to read as follows:

“(b) The requirements of this division apply to the entirety of the building site if 1) it is completely developed by the new construction of a building (or buildings) and appurtenant surface parking area, or 2) it is a city-funded construction or reconstruction project that includes the entire width of the pavement of a public street and is at least 30 feet in length. In case the entirety of the building site is only partially developed by new construction or enlargement, the requirements of this division shall be applied incrementally. Trees, shrubs, and landscape buffers are required with respect to and in proportion to 1) the area of the new or increased building and off-street parking spaces, or 2) the length of street pavement, if the building site is a city-funded construction or reconstruction project that includes the entire width of the pavement of a public street and is at least 30 feet in length. This subsection shall control over any other conflicting or inconsistent provision.”

Section 5. That the Caption and Subsection (a) of Section 33-125 of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

“Sec. 33-125. Review of documents.

(a) The planning official shall review building permit applications for the construction or expansion of a building or parking lot, and construction drawings for city-funded construction or reconstruction projects that include the entire width of the pavement of a public street and are at least 30 feet in length, to determine if the proposed landscape plan complies with the provisions of this article.”

Section 6. That Section 33-139 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Subsection (e) to read as follows:

“(e) Notwithstanding the provisions of this section, the planning official and the public works director shall use their best efforts to resolve any disputes regarding the application of this division to city-funded projects that include the entire width of the pavement of a public street and are at least 30 feet in length. The public works director is authorized to promulgate guidelines for administration of this article, in consultation with the planning official, that are consistent with this chapter.”

Section 7. That this ordinance shall not apply to a city-funded construction or reconstruction project that includes the entire width of the street pavement and is at

least 30 fee in length if, as of the effective date of this ordinance, an engineering firm has been awarded a contract to design the project.

Section 8. That if any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their applicability to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 9. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, the Ordinance shall be passed finally on that date and shall take effect immediately upon its passage and approval by the mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ____ day of _____, 2009.

APPROVED this ____ day of _____, 2009.

Mayor of the City of Houston

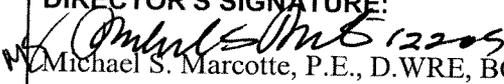
Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

City Secretary

Prepared by the Legal Dept.  
December 8, 2009 Ceil Price, Senior Assistant City Attorney
LD File #0610700210001; G:\LAND\CEIL\Trees\Enabling Ordinance 5 Final.doc
Requested by Marlene L. Gafrick, Director, Planning Dept.

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|--|-------------------|------------------------------|---------------------------------------|
| SUBJECT: Amending Chapter 40, Article XVII, of the City of Houston Code of Ordinances related to sidewalk and roadway obstructions and impairments. | Category # | Page 1 of <u>1</u> | Agenda Item # 17 |
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| FROM (Traffic & Transportation): Department of Public Works and Engineering | Origination Date 12/4/09 | Agenda Date DEC 09 2009 |
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| DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE | Council District affected: All |
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| For additional information contact: Kerry Parker, Senior Project Manager Phone: (713) 837-7270 | Date and identification of prior authorizing Council action: Ord. 2004-498, dated May 26, 2004 |
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Amount and Source of Funding: N/A

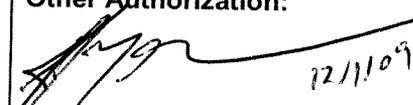
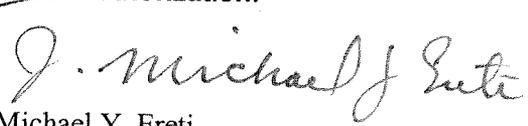
RECOMMENDATION: (Summary) Adopt the recommended amendments to Chapter 40, Article XVII, Sidewalk and Roadway Obstructions and Impairments to expand sidewalk closure permits from just the downtown area to citywide, allow PWE to issue citations for violations as well as HPD, and adjust allocation of fees and revenues.

SPECIFIC EXPLANATION:
Chapter 40, Article XVII, Sidewalk and Roadway Obstruction and Impairment, requires anyone doing construction by blocking a lane citywide and obstructing or blocking sidewalks in the downtown area to obtain a permit. Currently only HPD can issue citations for blocking the traffic lanes and sidewalks without a permit.

- The proposed amendments to the existing ordinance make three major modifications:
- Expand the requirement for sidewalk closure permits citywide.
This would allow PWE to properly manage and enforce construction closures within the City of Houston Right-of-Way and increase safety for both pedestrians and motorists.
 - Allow PWE mobility inspectors to issue citations for permit violations as well as HPD.
Under the current ordinance, only HPD officers can issue citations for violations related to blocking sidewalks for construction purpose without obtaining proper permit. A critical component of the proposed amendments allows PWE mobility inspectors the ability to issue citations as well as HPD. This will relieve the burden placed on HPD who have to respond to calls for violating the ordinance.
 - Modify the allocation of fees and revenues generated between PWE and HPD.
PWE and HPD currently share a 50/50 division of permit funds. With the change in enforcement duties and expansion of sidewalk permits citywide, PWE will incur majority of the responsibilities. The recommended division of funds is 85% to PWE and 15% to HPD. Both Finance Department and HPD have reviewed this change and are in agreement with it.

In September 2008, the proposed ordinance changes were presented and reviewed by the Transportation, Infrastructure, and Aviation Committee.

- cc: Marty Stein, Agenda Director
Jeffrey Weatherford P.E., PTOE
Michael Y. Ereti
- Gary Drabek
Waynette Chan
Kerry Parker

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| REQUIRED AUTHORIZATION | | CUIC ID # 20JME01 |
| Finance Department | Other Authorization:  Jeffrey Weatherford, P.E., PTOE Interim Deputy Director Traffic & Transportation Division | Other Authorization:  Michael Y. Ereti Assistant Director Traffic & Transportation Division |

lines and is improved for or ordinarily used for pedestrian travel. Where a street has two sidewalks, the term shall apply separately to each.

Street means the entire width between the boundary lines of every way that is publicly maintained, including sidewalks and crosswalks, provided that the term does not include any street that is primarily maintained by the Texas Department of Transportation or by any political subdivision other than the city.

Traffic-control device has the meaning ascribed in section 40-121 of this Code.

Utility means a public utility operating under a franchise from the city or a certificated telecommunications provider operating pursuant to Chapter 283 of the Texas Local Government Code.

Vehicle includes a vehicle whether motorized or not and/or a vehicle trailer.

Sec. 40-361.1. General powers and duties of mobility official.

It shall be the duty of the mobility official to direct, control, and manage all impairments and obstructions of roadways and sidewalks, including the enforcement of all regulations set forth in this article concerning impairments and obstructions of roadways and sidewalks. The mobility official shall also maintain a system to issue and track permits issued under this article. The mobility official is authorized to designate the necessary persons as mobility inspectors to enforce the provisions of this article.

Sec. 40-361.2. Mobility inspectors.

(a) Mobility inspectors designated by the mobility official shall enforce the provisions of this article by issuance of citations on an official form prescribed by the mobility official for such notices. Mobility inspectors shall not have the power of arrest under the authority conferred by this section. Mobility inspectors shall be issued appropriate identification by the mobility official and shall be issued the necessary forms to carry out their duties. Mobility inspectors shall account to the mobility official for all citations issued and for all citation forms provided to them.

(b) Peace officers shall enforce the provisions of this chapter and applicable state laws and regulations relating to obstructing or impairing roadways and sidewalks by issuance of citations.

Sec. 40-362. Impairments and obstructions unlawful.

(a) It shall be unlawful for any person to place, cause, or allow any impairment or obstruction of a sidewalk or roadway, except as authorized by a permit.

(b) It is a defense to prosecution under this section that the impairment or obstruction is or consists of:

- (1) A vehicle that is lawfully standing, stopped, or parked in compliance with applicable provisions of this Code and state traffic laws.
- (2) A vehicle that has been rendered inoperable by a mechanical or other systems failure or by an accident and is stopped pending police investigation and/or towing or recovery services.
- (3) A public transit facility, traffic control device, sign, street light, public trash receptacle, bicycle rack, or other structure or object lawfully placed by or on behalf of the state or a political subdivision of the state.
- (4) A sign or display that is being utilized as part of a lawfully conducted demonstration or rally provided that the object does not obstruct or impair vehicular or pedestrian traffic and further provided that it is used and displayed only during the period of time that the demonstration or rally is attended and ongoing and the attendees remove the sign or display at the conclusion of the demonstration or rally.
- (5) Equipment and materials related to work actively being performed by a utility or public employee that has obtained a general permit.
- (6) Trees, grass, shrubbery, and landscaping that is placed and maintained in a manner conforming to applicable requirements of chapters 32 and 45 of this Code and regulations issued thereunder.
- (7) A parade lawfully conducted under chapter 45 of this Code.
- (8) A sidewalk café authorized under section 40-10.1 of this Code, street function authorized under section 40-27 of this Code, or newsrack placed as authorized under article XX of chapter 40 of this Code.
- (9) A valet zone as authorized under section ~~26-445~~ 26-412 of this Code.

- (10) Equipment and materials relating to public infrastructure maintenance work performed, outside of the general permit requirements, by public employees, provided that the work is performed in accordance with a time, place, and manner protocol approved by the traffic engineer.
- (11) Solid waste containers and heavy trash items of the type and size authorized for residential service of the nature provided by the city and city contractors under chapter 39 of this Code that are placed for collection in a manner that does not obstruct the roadway or impair pedestrian use of the sidewalk; however, this defense does not extend to bulk containers of the "dumpster" or "roll-off" type that are typically used to service multifamily residential properties, commercial properties, and construction sites.
- (12) Poles, distribution boxes, and related structures of utilities, provided that they are not placed in such a manner as to obstruct or impair vehicular or pedestrian use of the roadway or sidewalk.
- (13) Postal deposit and delivery boxes, provided that they are not placed in such a manner as to obstruct or impair vehicular or pedestrian use of the roadway or sidewalk.
- (14) A building encroachment or other permanent obstruction for which the abutting owner has a current and valid permit or other authorization as obtained from city council.
- (15) Equipment relating to a sidewalk activity as authorized under article XI of this chapter.
- (16) An emergency as defined in section 40-376 of this Code.

(c) Under the authority granted in section 40-366 of this Code, the mobility official ~~director of public works and engineering~~ may issue rules and regulations regarding the application of the defenses set forth in subsection (b), above. It is a required element of any defense asserted under subsection (b) that the actor is in compliance with any applicable rules and regulations.

Sec. 40-363. Inactivity during permit period; revocation.

(a) As a condition of a permit, it is the responsibility of the permit holder to diligently prosecute the work for which the permit was obtained; without limitation of the foregoing,

the permit holder shall ensure that there is no period of 15 consecutive days or more during which the work site is inactive.

(b) The foregoing inactivity prohibition is inapplicable to:

(1) A delay that arises from causes beyond control and without fault or negligence of the permit holder. Examples of these causes are:

- a. Acts of God or of the public enemy.
- b. Acts of government in its sovereign capacity.
- c. Fires, floods, or unusually severe weather.
- d. Epidemics or quarantine restrictions.
- e. Strikes or freight embargoes.
- f. Discovery of pollutants at the site which requires cessation of activity pursuant to a federal, state, or local law.

(2) A delay caused by an order to temporarily cease work issued by the traffic engineer or chief of police.

Sec. 40-364. Provisions cumulative.

(a) The provisions of this article are cumulative of all other applicable laws and ordinances. Compliance with this article shall not excuse compliance with any other requirement of laws or ordinances or the obtaining of any other license, permit, franchise, or other required authorization.

(b) Without limiting the foregoing, a separate permit is also required under article V of this chapter whenever the obstruction is for purposes of an excavation and the provisions of that article are applicable to the work. The director of public works and engineering shall coordinate the two permit processes.

(c) To the extent that any provision set forth in this article may not be imposed upon any person because its imposition would be inconsistent with a controlling state or federal law, then this article shall be construed and applied in a manner that conforms to the state or federal law.

Sec. 40-365. Construction work in roadways or sidewalks; public work.

(a) With the exception of work addressed in sections 40-362(b)(5) or (b)(10) of this Code above, utilities, contractors of the city and other political subdivisions of the state who are performing construction, reconstruction, or repair work in the roadways or sidewalks or work that otherwise causes an impairment or obstruction shall be required to obtain a permit. Except as provided in section 40-373, nothing in this article shall be construed to authorize the imposition of restraints upon the contractor's work that are inconsistent with traffic control plans or other documents upon which the contracts for the work were bid or let, provided that the documents were reviewed and approved under subsection (b), below. However, the traffic engineer shall not be obliged to issue a permit hereunder for work to be performed at times not authorized in the contract documents or for the occupancy of areas of any roadway or sidewalk that are not expressly authorized to be occupied for the performance of the work under the contract documents.

(b) Traffic control plans and other bid/contract related documents proposed for public works by the city or other political subdivisions that are for construction projects in a roadway or sidewalk or that will otherwise cause any impairment or obstruction of a roadway or sidewalk shall be submitted to the traffic engineer for review and approval by the public entity contracting for the work before bids are taken, or if the work is not let on bids, before the contract is negotiated.

(c) The defense set forth in section 40-362(b)(10) of this Code is not intended to excuse public employees from coordinating their work with the traffic engineer to ensure that impairments or obstructions conform to applicable requirements of this article, and the director of public works and engineering shall administratively adopt regulations for that purpose.

(d) Notwithstanding any provisions under this article to the contrary, the traffic engineer may issue a permit to a city department necessary to perform departmental functions without requiring a permit fee, release and indemnity provisions or evidence of insurance. The traffic engineer may adopt specific rules and regulations regarding time, place and manner with regard to such city department permits, as deemed appropriate to ensure that traffic and mobility are not adversely affected.

(e) Notwithstanding any provisions under this article to the contrary, the deployment and use of all traffic-control devices shall conform to the specifications set forth in the Texas Manual on Uniform Traffic Control Devices.

Sec. 40-366. Regulations.

The director of public works and engineering is authorized to adopt rules and regulations for the administration of this article. To the extent practicable, as determined by the traffic engineer, the rules and regulations may provide for the filing and processing of permit documents by electronic means.

Sec. 40-367. Penalty.

(a) It is a criminal offense for any person to violate any of the provisions of this article. Every person convicted of violating any of the provisions of this article for which another penalty is not specifically provided shall be punished by a fine of not less than \$ 200.00 nor more than \$ 500.00; provided however that no penalty shall be greater or less than the penalty for the same offense under the laws of this state.

(b) For violations under this chapter that are of a continuing nature, each day that the violation continues shall constitute a separate offense. Violation of this article is unlawful and shall be punishable as provided in section 1-6 of this Code.

Sec. 40-368. Hearing.

Any person who is aggrieved by a decision of the city, its officials, or employees with respect to a permit application; or impairment or obstruction abatement action; or other matter or action under this article shall, upon written request, be entitled to a hearing to be conducted by hearing officer designated by the director of public works and engineering, who shall promulgate rules for hearings. The decision of the hearing officer shall be final. A hearing requested under section 40-126 of this Code may be consolidated with a hearing requested under this section.

Secs. 40-369, 40-370. Reserved.

DIVISION 2. PERMITS

Sec. 40-371. Administration and schedule of permit fees.

The traffic engineer shall issue and administer permits. The schedule of fees established pursuant to this section shall be applicable initially to the permits authorized to be issued pursuant to this article. The director of public works and engineering shall determine annually in connection with the city's fiscal year whether an increase or decrease in these fees is required for the sidewalk and roadway obstructions and impairments permit program, based on an analysis of the actual costs of administering and

enforcing this program, and is hereby authorized to make adjustments annually to the schedule of fees. If the fee is increased, it may be increased only by the documented additional cost to administer and enforce this program. The traffic engineer shall not issue any permit unless and until the applicable fee has been paid, unless the applicant is exempt from paying a fee under city contract, including the "Adopt a Container" program, franchise agreement, or federal, state or local statutes or other applicable laws. Weekly fees shall not be prorated for obstructions lasting less than a full week. Persons who desire to obtain permits shall be charged a fee under the following conditions:

- (1) For an impairment or obstruction of a roadway or sidewalk, the permit holder shall pay, on a weekly basis only, the applicable fee as shown in Table 40-371 below. Fees are based upon single lane closures of up to one week in duration. Multiple lane closure fees are assessed separately. Each hundred block or portion thereof (for instance the 100 block, the 200 block, etc.) constitutes a full hundred-block closure.
- (2) Work areas include *transition areas*, *activity areas*, and *termination areas* as defined in the latest edition of Texas Manual of Uniform Traffic Control Devices.
- (3) A utility or public employee may apply for a general permit. A general permit may be used for all street obstructions except as defined below (or defined as an emergency):
 - a. Obstructions may not be performed during peak traffic hours in the CBD and other high vehicle occupancy and transit corridors;
 - b. Obstructions may not reduce lane usage to less than two driving lanes in the CBD during off peak traffic hours;
 - c. Outside the CBD during off peak hours, obstructions may not reduce lane usage to less than one lane in each direction on roadways with four or more lanes, and not less than one lane on two-lane roadways;
 - d. Obstructions may not occur in conflict with special events or parades;
 - e. Sidewalk impairments in the CBD may not be performed under a general permit.
- (45) Any fees or revenues generated by roadway obstruction or sidewalk impairments covered under this article shall be distributed as follows:~~divided~~

~~evenly between the transportation special revenue fund administered by the public works and engineering department and the police special services fund administered by the police department.~~

- a. Eighty-five percent of all fees and revenues shall be allocated to the transportation special revenue fund administered by the public works and engineering department;
- b. Fifteen percent of all fees and revenues shall be allocated to the police special services fund administered by the police department.

TABLE 40-371. FEE SCHEDULE

| | |
|--|--|
| Single lane closure on local street | \$45.00 per lane, per block, per week |
| Single lane closure of roadway on major thoroughfare or major collector street outside CBD | \$85.00 80.00 per lane, per block, per week during off peak traffic hours \$105.00 100.00 per lane, per block, per week during peak traffic hours |
| Single lane closure of roadway on major thoroughfare or major collector street inside CBD | \$105.00 100.00 per lane, per block, per week during off peak traffic hours \$130.00 125.00 per lane, per block, per week during peak traffic hours or when lane usage is reduced to less than two lanes in the central business district |
| Partial sidewalk impairment or obstruction (maintaining three feet of pedestrian way) | \$60.00 per block, per week |
| Full sidewalk impairment or obstruction | \$95.00 90.00 per block, per week |

Sec. 40-372. Application.

Persons who desire to obtain permits shall make application to the traffic engineer at least ten business days before the date on which the permit is required, unless the traffic engineer approves a shorter time, setting forth the following:

- (1) The applicant's name, business street address and mailing address if different, and business telephone number. If the proposed impairment or obstruction involves efforts of two or more persons, such as a utility and a

contractor or an abutting property owner and a contractor, then they shall join as coapplicants, and the required information shall be provided for each.

- (2) The name and 24-hour telephone number of a person or persons whom the traffic engineer may contact if needed to resolve any issues that may arise with respect to the permit.
- (3) The purpose for which the permit is requested.
- (4) If the permit relates to construction or demolition work on abutting property, then the building permit number.
- (5) If the permit is for an activity for which any other city permit is also required, then the permit number or evidence that the application therefor has been filed.
- (6) If the permit is for street construction work, the name and description of the project, or if the city is the contracting agency, then the contract or job number.
- (7) The duration, dates, and times of day of the proposed impairment or obstruction.
- (8) A description of the proposed impairment or obstruction, including its size, material, and the location upon the roadway or sidewalk where it will be placed.
- (9) The reasons why the work, function, or activity proposed requires an impairment or obstruction of a roadway or sidewalk and cannot otherwise reasonably be accomplished.
- (10) A statement that if the permit is issued, the applicant as a permit holder accepts and obligates itself to the following release and indemnification provisions:

"RELEASE

PERMIT HOLDER AGREES TO AND SHALL RELEASE THE CITY, ITS AGENTS, EMPLOYEES, OFFICERS, AND LEGAL REPRESENTATIVES (COLLECTIVELY THE "CITY") FROM ALL LIABILITY FOR INJURY, DEATH, DAMAGE, OR LOSS TO PERSONS OR PROPERTY SUSTAINED

IN CONNECTION WITH OR INCIDENTAL TO PERFORMANCE UNDER THE PERMIT, EVEN IF THE INJURY, DEATH, DAMAGE, OR LOSS IS CAUSED BY THE CITY'S ACTUAL OR ALLEGED JOINT OR CONCURRENT NEGLIGENCE AND/OR THE CITY'S STRICT PRODUCTS LIABILITY OR STRICT STATUTORY LIABILITY.

INDEMNIFICATION

PERMIT HOLDER AGREES TO AND SHALL DEFEND, INDEMNIFY, AND HOLD THE CITY, ITS AGENTS, EMPLOYEES, OFFICERS, AND LEGAL REPRESENTATIVES (COLLECTIVELY THE "CITY") HARMLESS FOR ALL CLAIMS, CAUSES OF ACTION, LIABILITIES, FINES, AND EXPENSES (INCLUDING, WITHOUT LIMITATION, ATTORNEYS' FEES, COURT COSTS, AND ALL OTHER DEFENSE COSTS AND INTEREST) FOR INJURY, DEATH, DAMAGE, OR LOSS TO PERSONS OR PROPERTY SUSTAINED IN CONNECTION WITH OR INCIDENTAL TO PERFORMANCE UNDER THIS PERMIT, INCLUDING, WITHOUT LIMITATION, THOSE CAUSED BY:

- (i) PERMIT HOLDER'S AND/OR ITS AGENTS', EMPLOYEES', OFFICERS', DIRECTORS', PRINCIPALS', OR SUBCONTRACTORS OF PERMIT HOLDERS' (COLLECTIVELY IN NUMBERED PARAGRAPHS (i)--(iii), "PERMIT HOLDER") ACTUAL OR ALLEGED NEGLIGENCE OR INTENTIONAL ACTS OR OMISSIONS;
- (ii) THE CITY'S AND PERMIT HOLDER'S ACTUAL OR ALLEGED CONCURRENT NEGLIGENCE, WHETHER PERMIT HOLDER IS IMMUNE FROM LIABILITY OR NOT; AND
- (iii) THE CITY'S AND PERMIT HOLDER'S ACTUAL OR ALLEGED STRICT PRODUCTS LIABILITY OR STRICT STATUTORY LIABILITY, WHETHER PERMIT HOLDER IS IMMUNE FROM LIABILITY OR NOT.

PERMIT HOLDER SHALL DEFEND, INDEMNIFY, AND HOLD THE CITY HARMLESS DURING THE TERM OF THE PERMIT AND FOR FOUR YEARS AFTER THE PERMIT TERMINATES.

WHERE APPLICABLE, THE PROVISIONS OF SECTION 283.057 OF THE TEXAS LOCAL GOVERNMENT CODE SHALL CONTROL IN LIEU OF THE FOREGOING; ADDITIONALLY, TO THE EXTENT THAT THE APPLICANT HOLDS A CURRENT AND VALID UTILITY FRANCHISE FROM THE CITY, THE RELEASE AND INDEMNIFICATION PROVISIONS OF THE FRANCHISE SHALL CONTROL IN LIEU OF THE FOREGOING."

- (11) If the roadway obstruction or sidewalk impairment is proposed during peak traffic hours on streets within the central business district, or on major thoroughfares or major collector streets, the reason why the activity cannot reasonably be performed at an other time.
- (12) A detailed current traffic control plan for the impairment or obstruction, if required by the traffic engineer.
- (13) If proposed during other than peak hours, standard operating procedures that will be used to remove impairments or obstructions during peak hours.
- (14) A schedule of activities, if the work will occur for more than 14 days.
- (15) Any other information required to determine compliance with the requirements of this article.

Sec. 40-373. Review, issuance, terms, revocation.

(a) All applications submitted pursuant to the provisions of this article shall be reviewed on a first-come, first-served basis. The traffic engineer shall, subject to the provisions of this article, approve an application as submitted or modified subject to subsection (b) below and issue a permit, unless he determines that:

- (1) The application is incomplete or materially untruthful;
- (2) The proposed impairment or obstruction relates to work or an activity that can reasonably be accomplished by alternative methods that, even if they might be more costly, would not require impairment or obstruction of the roadways or sidewalks; or
- (3) Based upon the scope and nature of the proposed impairment or obstruction and the anticipated vehicular or pedestrian traffic upon the roadway or sidewalk at the times requested, that the impairment or obstruction would substantially inconvenience the public in its use of the roadways or sidewalks

and that the inconvenience would outweigh any public benefits from the work, function, or activity for which the impairment or obstruction is proposed.

(b) The traffic engineer may impose reasonable limitations upon the time and manner in which a impairment or obstruction will be authorized, which shall be consistent with the nature and time of the impairment or obstruction and its anticipated effects upon vehicular and pedestrian use of the roadways or sidewalks. Without limiting the foregoing, the traffic engineer shall not authorize an impairment or obstruction during peak traffic hours if a practicable alternative time schedule could be used, unless he determines that traffic and mobility will not be adversely affected. Consistent with the foregoing criteria, the traffic engineer may require the permit holder to provide vehicular and pedestrian traffic control devices, alternative pedestrian walkways (covered or open), signage, and traffic control personnel at the permit holder's expense. The permit holder shall furnish any required traffic control personnel, such as flaggers or peace officers, in accordance with directives of the chief of police and at the permit holder's expense. To the extent that another person has previously requested or obtained a permit for all or part of the area subject to the application or the traffic engineer is aware of any other activity that will also affect traffic at the time and in the area affected by the application, the traffic engineer may require the persons to coordinate their impairments or obstructions or may delay the effective date of the permit until a previous impairment or obstruction or activity will have been concluded.

(c) Each permit shall be issued in writing, shall set forth the location, beginning and ending dates, authorized days of the week and times of day, nature and authorized site of the authorized impairment or obstruction, and any requirements for traffic control devices, signage, or personnel. The permit shall not be valid for any impairment or obstruction except in strict accordance with its terms and shall be void if used in any other time, place, or manner.

(d) Permits are personal to the permit holder and may not be assigned or used by any other persons.

(e) Upon written notice to the holder, a permit may be withdrawn, suspended, or revoked if the director of public works and engineering or the traffic engineer determines that it was issued by error, that the impairment or obstruction is having unanticipated adverse effects upon vehicular or pedestrian traffic, or that the holder has not complied with any applicable term of the permit.

Sec. 40-374. Permits for suspension of metered parking.

A person who wishes to suspend the operation of metered parking must obtain a separate permit to do so pursuant to division 2 of article III of chapter 26 of this Code.

Sec. 40-375. Insurance.

(a) As a condition of the issuance of a permit, the applicant shall provide evidence that the applicant holds a current policy of comprehensive general liability insurance covering the impairment or obstruction, with an endorsement for any liability assumed under this article and policy limits of not less than \$100,000.00 for property damage, per occurrence, and of not less than \$250,000.00, per person, and \$500,000.00, per occurrence, for bodily injury or death. Each policy shall include a provision designating the city as an additional insured with respect to activities under the permit and shall also include a provision obligating the insurer to furnish to the traffic engineer at least 15 days prior written notice of any cancellation.

(b) The failure of the permit holder to continuously maintain any required coverage shall cause any permit covered thereby to become void. No work may be performed on any excavation at any time when any required proof of insurance coverage is not on file in the traffic engineer's office.

(c) For joint applications and permits, the coverage required in this section may be provided by a policy jointly covering all of the applicants or by separate proofs of coverage for each applicant or permit holder.

(d) To the extent that any other city permit, license, or authorization is required for the impairment or obstruction, and insurance coverage is also required as a condition thereof, then the permit holder shall not be required to duplicate coverage and may provide one policy that meets all applicable requirements.

Sec. 40-376. Emergencies.

(a) The traffic engineer shall establish a means by which obstructions of an emergency nature may be commenced without obtaining a street obstruction permit unless work continues longer than 24 hours, at which time a full application shall be filed. Permit fees are waived for the duration of the emergency obstruction. The application shall include an explanation of the nature of the emergency, a description of the proposed impairment or obstruction, the duration, dates, and times of day of the proposed impairment or obstruction, and the name and emergency contact telephone number for the requestor.

(b) In addition to the defenses provided in section 40-362(b) of this Code, it is an affirmative defense to prosecution under section 40-362(a) that the impairment or obstruction was reasonably required to address an emergency. This affirmative defense shall only apply pending the timely submission of a permit application and shall not be valid if the application is denied.

Sec. 40-377. Posting at impairment or obstruction site.

(a) The permit holder shall post a copy of the permit at each impairment or obstruction site in accordance with the regulations issued under section 40-365 of this Code.

(b) In any prosecution under section 40-362 of this Code, it shall be presumed that no permit existed unless the permit is posted as required under subsection (a) of this section.

Sec. 40-378. Abatement.

Impairments or obstructions that are created without a permit or that are created in a time, place, or means that is inconsistent with a permit shall be subject to summary abatement upon order of or by the traffic engineer, mobility inspector, or any peace officer of the city. If the person causing the impairment or obstruction is present at the site, the traffic engineer, mobility inspector, or peace officer may, consistent with the nature of the impairment or obstruction and ambient traffic conditions, afford an opportunity to remove the impairment or obstruction. Otherwise, the impairment or obstruction shall be removed by city forces or contractors. Any costs of removing the impairment or obstruction shall be assessed to the person who caused it, if known, and, no additional permits shall be issued to that person until the city has been reimbursed for the costs. To the extent that an impairment or obstruction has an identifiable owner and an apparent value of \$100.00 or more, the obstruction, unless of a perishable nature, shall be placed in storage for a period of 30 days, and the owner shall be notified and afforded an opportunity to have the return of the item, subject to payment of any removal and storage costs.

Secs. 40-379--40-390. Reserved.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Rate adjustment for Public Works and Engineering Department Combined Utility System (CUS) Contract Treated Water Service ; amending Chapter 47 of the Code of Ordinances.

Page
1 of 1

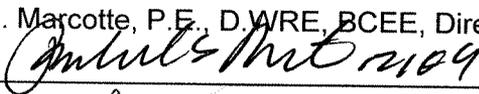
Agenda
Item #
18

FROM (Department or other point of origin):
Department of Public Works and Engineering

Origination Date

Agenda Date
DEC 09 2009

DIRECTOR'S SIGNATURE:
Michael S. Marcotte, P.E., D.WRE, BCEE, Director



Council District affected: All

For additional information contact:
Susan Bandy  Phone: 713-837-0282
Deputy Director

Date and identification of prior authorizing Council action:
Ordinance No. 2007-0466 dated April 11, 2007

RECOMMENDATION: (Summary)

Adopt Ordinance increasing the Contract Treated Water Service rate from \$1.884 to \$2.184 per 1,000 gallons ; amending Chapter 47 of the Code of Ordinances.

Amount and Source of Funding: N/A

DESCRIPTION/SCOPE:

Background: Texas law requires that municipal water utilities set rates based on their actual cost to treat and deliver water. Since passage of the Combined Utility System Master Bond Ordinance in 2004, CUS water and sewer rates have been automatically adjusted annually using the previous calendar year's regional Consumer Price Index (CPI). However, one rate category - Contract Treated Water Service - was initially set below the 2004 established CUS cost of service, because the cost-of service rate would have increased rates for these customers by more than 20%. Instead, the administration recommended staging rate increases that would be needed to bring rates in line with costs, as defined by the FY2004 rate study. A list of Contract Treated Water Service customers in this rate class is attached.

Pursuant to this plan, on April 11, 2007, City Council approved a \$0.28 per 1,000 gallons rate increase for Contract Treated Water Service with an effective date of September 1, 2007. This increase was one-half of the remaining difference needed to adjust to cost-of-service rates. It is recommended that City Council approve the second step increase of \$0.30 per 1,000 gallons for Contract Treated Water Service, effective January 1, 2010. The calculated adjustment will raise the rate for Contract Treated Water Service from \$1.884 to \$2.184 per 1,000 gallons.

By increasing these rates in steps, all effected customers have had ample time to prepare for the adjustment. The plan was discussed with contract customers at a meeting at 611 Walker on January 23, 2009, followed by a second email reminder on September 3, 2009.

REQUIRED AUTHORIZATION

CUIC# 20-SB24

Other Authorization:

Other Authorization:

Contract Treated Water Customers November 1, 2009

Anheuser Busch
Chimney Hill MUD
City of Bellaire
City of Bunkerhill Village
City of Galena Park
City of Hilshire Village
City of Humble
City of Jacinto City
City of Jersey Village
City of Pasadena - East Plant
City of Pearland
City of Southside Place
City of West University
Greenwood Utility District
Harris County MUD # 05
Harris County MUD # 06
Harris County MUD # 08
Harris County MUD # 23
Harris County MUD # 49
Harris County WCID # 89
Harris County MUD # 96
Harris County MUD # 158
Harris County MUD # 182
Harris County MUD # 220
Harris County MUD # 261 & Winfern Forest UD
Harris County MUD # 344
Harris County MUD # 372
Harris County MUD # 402
Harris County MUD # 406
Harris County MUD # 412
Harris County MUD # 420
Harris County MUD # 421
Harris County WICD - Fondren Road
Harris County WCID # 96
Memorial Villages Water Authority
Montgomery County MUD #98
North Channel Water Auth
Emerald Forest Utility District -NHCRWA
Regional Water Adv. Comm.
Rolling Fork Public Utility District
Southwest H.C. MUD #1
Sunbelt Fresh Water Supply District
Sunbelt Fresh Water Supply District -Oakwilde
West Harris County MUD #16

City of Houston, Texas Ordinance No. 20 _____

AN ORDINANCE RELATING TO RATES FOR CONTRACT TREATED WATER SERVICE; AMENDING CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING A REPEALING CLAUSE; AND DECLARING AN EMERGENCY.

* * * *

BE IT ORDAINED THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That Subsection (f)(3) of Section 47-61 of the Code of Ordinances, Houston, Texas is hereby amended to read as follows:

"(3) *Rates and charges.*

For contract treated water customers, the monthly charge shall equal:

$P \times R$

plus:

$(P-M) \times \$0.611$

Where:

- P* is the total water delivery to such customer during the month expressed in units of 1,000 gallons, except if the minimum monthly amount of water specified in the customer's contract is greater than *P*, *P* shall equal *M*;
- M* is the minimum monthly amount of water specified in the customer's contract expressed in units of 1,000 gallons; and
- R* is \$2.184 if there is an airgap between the water systems of the city and the contract treated water customer, and \$2.61 if there is no airgap between the systems of the city and the customer. An airgap shall be required of every customer unless the director determines that this requirement be waived because of prior conditions, excessive pressure, or health and safety concerns.

In the event a billing period is longer or shorter than 30 days, a daily charge shall be determined using the formula specified above, but *P* defined as to average daily amount of water

delivered during the billing period and M defined as the monthly minimum divided by 30. Such daily charge shall then be multiplied by the number of days in the billing period."

Section 2. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 3. If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 4. All ordinances in conflict herewith are hereby repealed to the extent of conflict only.

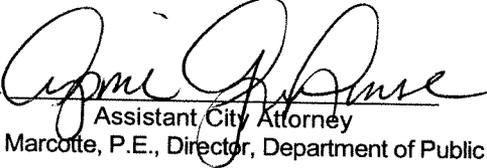
Section 5. This Ordinance shall take effect on January 1, 2010.

Section 6. There exists a public emergency that this Ordinance be passed finally on the date of its introduction as required in writing by the Mayor;

therefore, this Ordinance shall be passed finally on such date and shall take effect as provided in Section 5 above.

PASSED AND APPROVED this ___ day of _____, 2009.

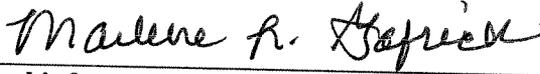
Mayor of the City of Houston

Prepared by Legal Dept. 
ALC;dew:asw 12/03/09 Assistant City Attorney
Requested by Michael S. Marcotte, P.E., Director, Department of Public Works and Engineering
L. D. File No. _____

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

| | | | |
|--|-------------------|------------------------|--|
| SUBJECT: Ordinance designating all improved single-family residential lots in the Langwood Subdivision, Section 2 as a Prohibited Yard Parking Requirement Area | Category # | Page 1 of _____ | Agenda Item # 19 |
|--|-------------------|------------------------|--|

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|---|---|-----------------------------------|
| FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department | Origination Date November 4, 2009 | Agenda Date DEC 09 2009 |
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| DIRECTOR'S SIGNATURE: <i>MS</i>  | Council District affected: A |
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| For additional information contact: Kevin Calfee Phone: 713.837.7768 | Date and identification of prior authorizing Council action: 2009-0059, 1-28-09 |
|--|--|

RECOMMENDATION: (Summary) Approval of an ordinance designating all improved single-family residential properties in the Langwood Subdivision, Section 2 as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.

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| Amount and Source of Funding: NA | Finance Budget: |
|---|------------------------|

SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the Langwood II Civic Club initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Langwood II Civic Club. Notification was mailed to 723 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. One hundred and sixteen (116) protests were timely filed with the Planning and Development Department. The Hearing Official held a public hearing on September 2, 2009 and recommended establishing the Prohibited Yard Parking Requirement Area.

- Attachments:
 Decision of the Hearing Official
 Prohibited Yard Parking Requirement Area Application
 Letter of Support
 Map of the proposed requirement area / land use

- xc: Marty Stein, Agenda Director
 Anna Russell, City Secretary
 Arturo G. Michel, City Attorney
 Don Cheatham, Senior Assistant City Attorney
 Chief Hurtt, HPD
 Alfred Moran, ARA

REQUIRED AUTHORIZATION

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| Finance Director: | Other Authorization: | Other Authorization: |
|--------------------------|-----------------------------|-----------------------------|

Prohibited Yard Parking Requirement Area No. P090616

Hearing Official's Approval

Hearing Official Evaluation:

| Satisfies | Does Not Satisfy | Criteria |
|-----------|------------------|--|
| X | | <i>PYPRA includes five contiguous block faces;</i> The application area contains at least five contiguous block faces. |
| X | | <i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i> 99% of the proposed application area is developed as single-family residential. |
| X | | <i>The application is authorized by the board of an active homeowners association or civic club that encompasses the residential area described in the application;</i> The president of the Langwood II Civic Club has signed a letter of support. |
| X | | <i>Available parking is sufficient to accommodate the typical parking needs for the residential area;</i> The curbside parking spaces or areas within the residential subdivision available to owners for the parking of vehicles or equipment are sufficient to accommodate the number of vehicles or equipment typically parked within the area. |

The Prohibited Yard Parking Requirement Area meets the criteria.

Nicole Smothers 10-29-09

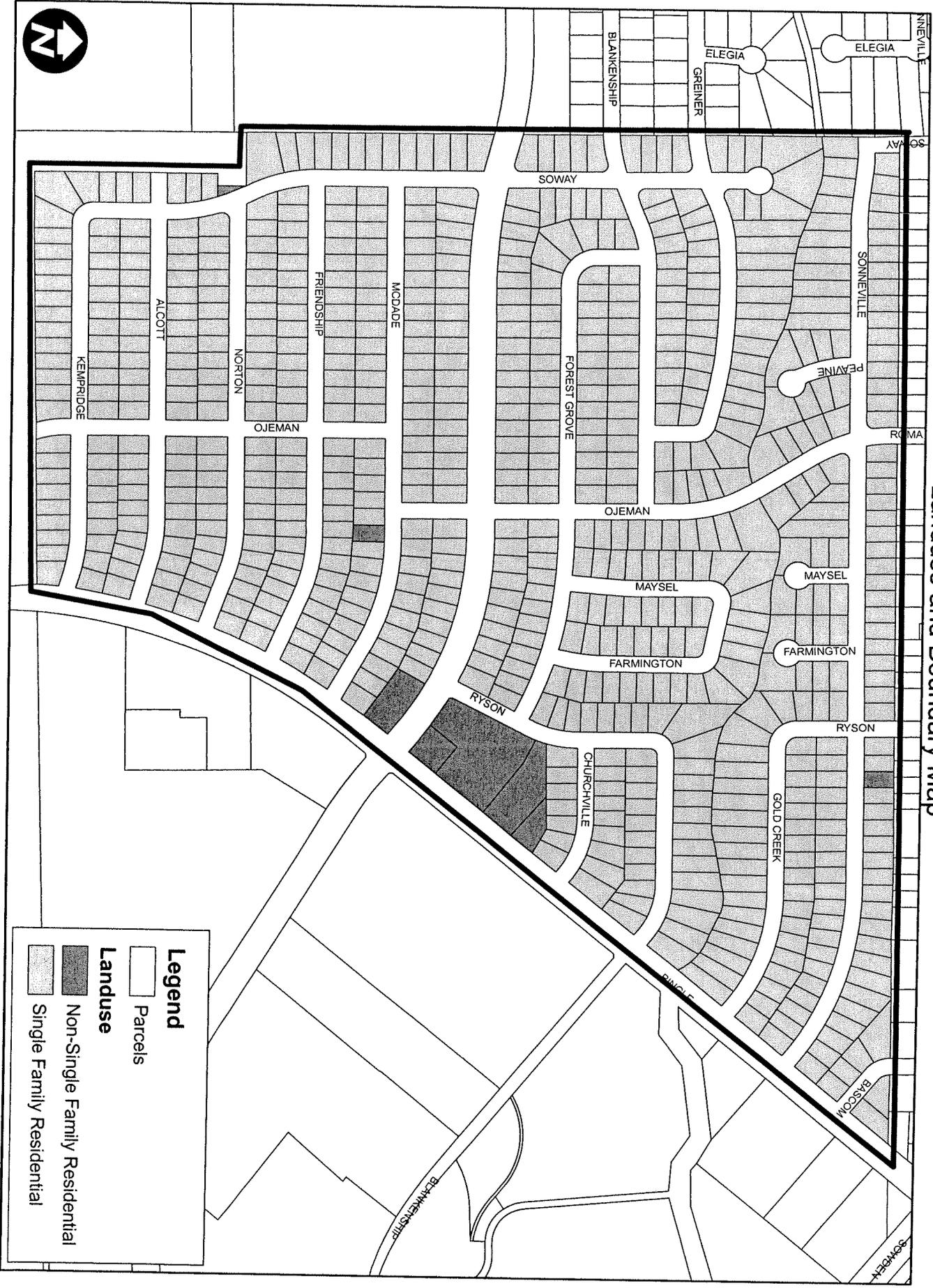
Nicole Smothers,

Date

Hearing Official, Presiding

P090616

Langwood II Civic Club
Landuse and Boundary Map



Legend

Parcels

Landuse

- Single Family Residential
- Non-Single Family Residential

R

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

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|--|-------------------|------------------------|-----------------------------------|
| SUBJECT: Ordinance designating all improved single-family residential lots in the Westwood Subdivision, Sections 1, 5 and Section 2 R/P as a Prohibited Yard Parking Requirement Area | Category # | Page 1 of _____ | Agenda Item # 20 |
|--|-------------------|------------------------|-----------------------------------|

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| FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department | Origination Date December 4, 2009 | Agenda Date DEC 09 2009 |
|---|---|-----------------------------------|

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| DIRECTOR'S SIGNATURE: <i>Ms Marlene L. Gafrick</i> | Council District affected: C |
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| For additional information contact: Kevin Calfee Phone: 713.837.7768 | Date and identification of prior authorizing Council action: 2009-0059, 1-27-09 |
|--|--|

RECOMMENDATION: (Summary) Approval of an ordinance designating all improved single-family residential lots in the Westwood Subdivision, Sections 1, 5 and Section 2 R/P as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.

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| Amount and Source of Funding: NA | Finance Budget: |
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SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the Westwood Civic Club initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Westwood Civic Club. Notification was mailed to 518 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. Three (3) protests were timely filed with the Planning and Development Department. The Hearing Official held a public hearing on July 29, 2009 and recommended establishing the Prohibited Yard Parking Requirement Area.

- Attachments:
 Decision of the Hearing Official
 Prohibited Yard Parking Requirement Application
 Letter of Support
 Map of the proposed requirement area / land use

- xc: Marty Stein, Agenda Director
 Anna Russell, City Secretary
 Arturo G. Michel, City Attorney
 Don Cheatham, Land Use Division, Legal Department
 Chief Hurtt, HPD
 Alfred Moran, ARA

REQUIRED AUTHORIZATION

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| Finance Director: | Other Authorization: | Other Authorization: |
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Prohibited Yard Parking Requirement Area No. P090513

Hearing Official's Approval

Hearing Official Evaluation:

| Satisfies | Does Not Satisfy | Criteria |
|-----------|------------------|--|
| X | | <i>PYPRA includes five contiguous block faces;</i> The application area contains at least five contiguous block faces. |
| X | | <i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i> 80% of the proposed application area is developed as single-family residential. |
| X | | <i>The application is authorized by the board of an active homeowners association or civic club that encompasses the residential area described in the application;</i> The president of the Westwood Civic Club has signed a letter of support. |
| X | | <i>Available parking is sufficient to accommodate the typical parking needs for the residential area;</i> The curbside parking spaces or areas within the residential subdivision available to owners for the parking of vehicles or equipment are sufficient to accommodate the number of vehicles or equipment typically parked within the area. |

The Prohibited Yard Parking Requirement Area meets the criteria.

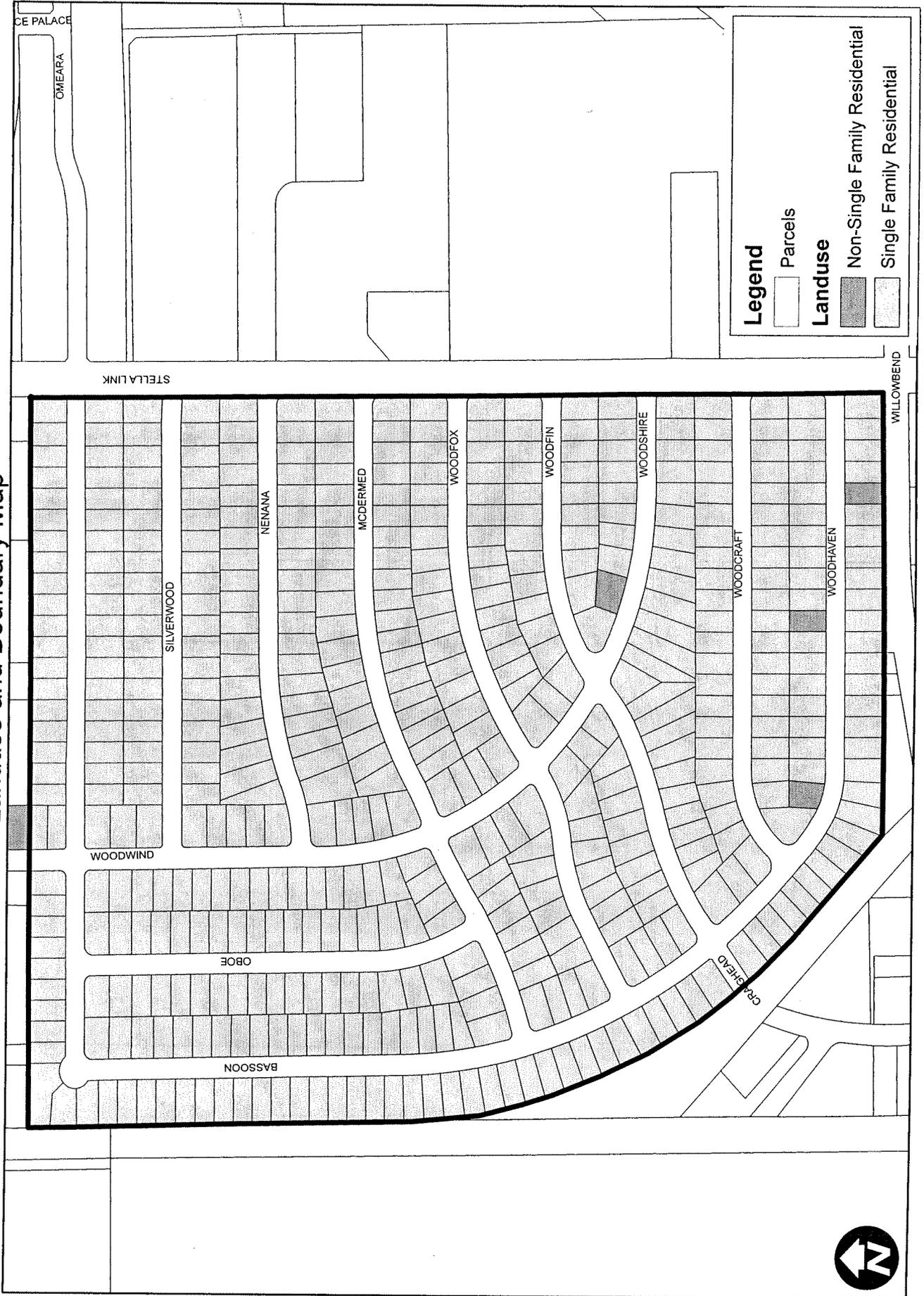
Nicole Smothers 12-1-09

Nicole Smothers,
Hearing Official, Presiding

Date

P090513

Westwood Civic Club Landuse and Boundary Map



TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION**

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|--|-------------------|------------------------|-----------------------------------|
| SUBJECT: Ordinance designating all improved single-family residential lots in the Westwood Subdivision, Section 4 and Westwood Subdivision, Section 5 R/P as a Prohibited Yard Parking Requirement Area | Category # | Page 1 of _____ | Agenda Item # <i>21</i> |
|--|-------------------|------------------------|-----------------------------------|

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|---|---|-----------------------------------|
| FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department | Origination Date December 4, 2009 | Agenda Date DEC 09 2009 |
|---|---|-----------------------------------|

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| DIRECTOR'S SIGNATURE: <i>Marlene L. Gafrick</i> | Council District affected: C |
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| For additional information contact: Kevin Calfee Phone: 713.837.7768 | Date and identification of prior authorizing Council action: 2009-0059, 1-27-09 |
|--|--|

RECOMMENDATION: (Summary) Approval of an ordinance designating all improved single-family residential lots in the Westwood Subdivision, Section 4 and Westwood Subdivision, Section 5 R/P as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.

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| Amount and Source of Funding: NA | Finance Budget: |
|---|------------------------|

SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the Westwood Civic Club initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Westwood Civic Club. Notification was mailed to 237 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. One (1) protest was timely filed with the Planning and Development Department. The Hearing Official held a public hearing on July 29, 2009 and recommended establishing the Prohibited Yard Parking Requirement Area.

- Attachments:
 Decision of the Hearing Official
 Prohibited Yard Parking Requirement Application
 Letter of Support
 Map of the proposed requirement area / land use

- xc: Marty Stein, Agenda Director
 Anna Russell, City Secretary
 Arturo G. Michel, City Attorney
 Don Cheatham, Land Use Division, Legal Department
 Chief Hurtt, HPD
 Alfred Moran, ARA

REQUIRED AUTHORIZATION

| | | |
|--------------------------|-----------------------------|-----------------------------|
| Finance Director: | Other Authorization: | Other Authorization: |
|--------------------------|-----------------------------|-----------------------------|

Prohibited Yard Parking Requirement Area No. P090512

Hearing Official's Approval

Hearing Official Evaluation:

| Satisfies | Does Not Satisfy | Criteria |
|-----------|------------------|--|
| X | | <i>PYPRA includes five contiguous block faces;</i> The application area contains at least five contiguous block faces. |
| X | | <i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i> 76% of the proposed application area is developed as single-family residential. |
| X | | <i>The application is authorized by the board of an active homeowners association or civic club that encompasses the residential area described in the application;</i> The president of the Westwood Civic Club has signed a letter of support. |
| X | | <i>Available parking is sufficient to accommodate the typical parking needs for the residential area;</i> The curbside parking spaces or areas within the residential subdivision available to owners for the parking of vehicles or equipment are sufficient to accommodate the number of vehicles or equipment typically parked within the area. |

The Prohibited Yard Parking Requirement Area meets the criteria.

Nicole Smothers 10-2-09
Nicole Smothers, Date
Hearing Official, Presiding

P090512

Westwood Civic Club
Landuse and Boundary Map



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

| | | | |
|---|-------------------|------------------------|----------------------------|
| SUBJECT: Ordinance designating all improved single-family residential lots in the Sugar Valley Subdivision as a Prohibited Yard Parking Requirement Area | Category # | Page 1 of _____ | Agenda Item # 22 |
|---|-------------------|------------------------|----------------------------|

| | | |
|---|--|-----------------------------------|
| FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department | Origination Date November 10, 2009 | Agenda Date DEC 09 2009 |
|---|--|-----------------------------------|

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| DIRECTOR'S SIGNATURE: <i>Marlene L. Gafrick</i> | Council District affected: D |
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| | |
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| For additional information contact: Kevin Calfee Phone: 713.837.7768 | Date and identification of prior authorizing Council action: 2009-0059, 1-27-09 |
|--|--|

RECOMMENDATION: (Summary) Approval of an ordinance designating all improved single-family residential lots in the Sugar Valley Subdivision, as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.

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| Amount and Source of Funding: NA | Finance Budget: |
|---|------------------------|

SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the Greater Sugar Valley Civic Club initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Greater Sugar Valley Civic Club. Notification was mailed to 369 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. Two (2) protests were timely filed with the Planning and Development Department. The Hearing Official held a public hearing on October 7, 2009 and recommended establishing the Prohibited Yard Parking Requirement Area.

Attachments:
 Decision of the Hearing Official
 Prohibited Yard Parking Requirement Application
 Letter of Support
 Map of the proposed requirement area / land use

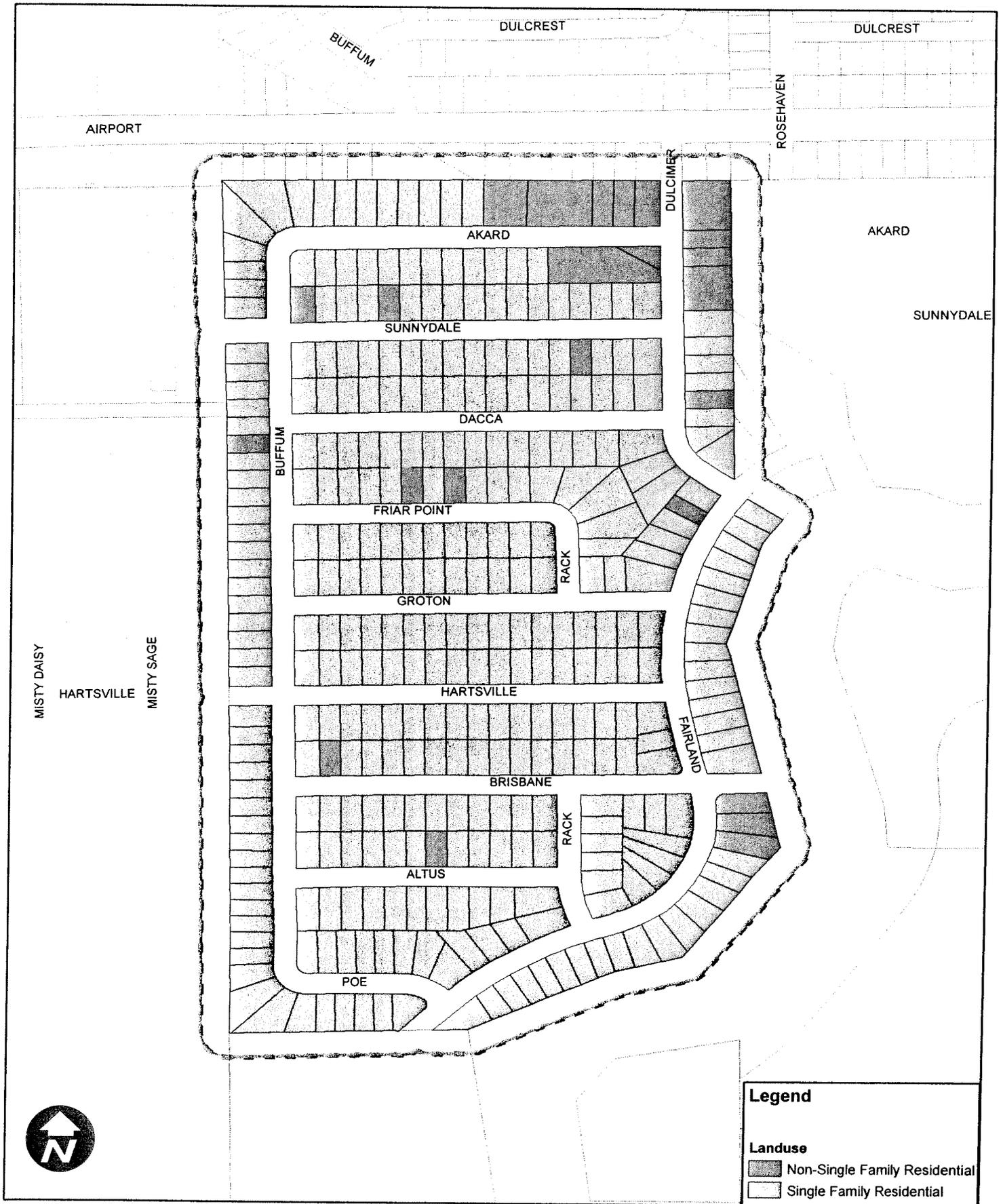
xc: Marty Stein, Agenda Director
 Anna Russell, City Secretary
 Arturo G. Michel, City Attorney
 Don Cheatham, Land Use Division, Legal Department
 Chief Hurtt, HPD
 Alfred Moran, ARA

REQUIRED AUTHORIZATION

| | | |
|--------------------------|-----------------------------|-----------------------------|
| Finance Director: | Other Authorization: | Other Authorization: |
|--------------------------|-----------------------------|-----------------------------|

P090703

Greater Sugar Valley Civic Club



TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION**

SUBJECT: Ordinance designating all improved single-family residential lots in the Leawood Subdivision, Sections 1-3 and 5 as a Prohibited Yard Parking Requirement Area

| | | |
|-------------------|------------------------|-------------------------|
| Category # | Page 1 of _____ | Agenda Item # 23 |
|-------------------|------------------------|-------------------------|

| | | |
|---|--|-----------------------------------|
| FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department | Origination Date November 12, 2009 | Agenda Date DEC 09 2009 |
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| DIRECTOR'S SIGNATURE: <i>Marlene L. Gafrick</i> | Council District affected: F |
|---|--|

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|--|--|
| For additional information contact: Kevin Calfee Phone: 713.837.7768 | Date and identification of prior authorizing Council action: 2009-0059, 1-28-09 |
|--|--|

RECOMMENDATION: (Summary) Approval of an ordinance designating all improved single-family residential lots in the Leawood Subdivision, Sections 1-3 and 5 as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.

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|---|------------------------|
| Amount and Source of Funding: NA | Finance Budget: |
|---|------------------------|

SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the Leawood Civic Improvement Association initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Leawood Civic Improvement Association. Notification was mailed to 620 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. One (1) protest was timely filed with the Planning and Development Department. The Hearing Official held a public hearing on July 22, 2009 and recommended establishing the Prohibited Yard Parking Requirement Area.

Attachments:
Decision of the Hearing Official
Prohibited Yard Parking Requirement Area Application
Letter of Support
Map of the proposed requirement area / land use

xc: Marty Stein, Agenda Director
Anna Russell, City Secretary
Arturo G. Michel, City Attorney
Don Cheatham, Senior Assistant City Attorney
Chief Hurtt, HPD
Alfred Moran, ARA

REQUIRED AUTHORIZATION

| | | |
|--------------------------|-----------------------------|-----------------------------|
| Finance Director: | Other Authorization: | Other Authorization: |
|--------------------------|-----------------------------|-----------------------------|

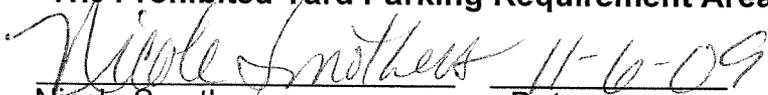
Prohibited Yard Parking Requirement Area No. P090503

Hearing Official's Approval

Hearing Official Evaluation:

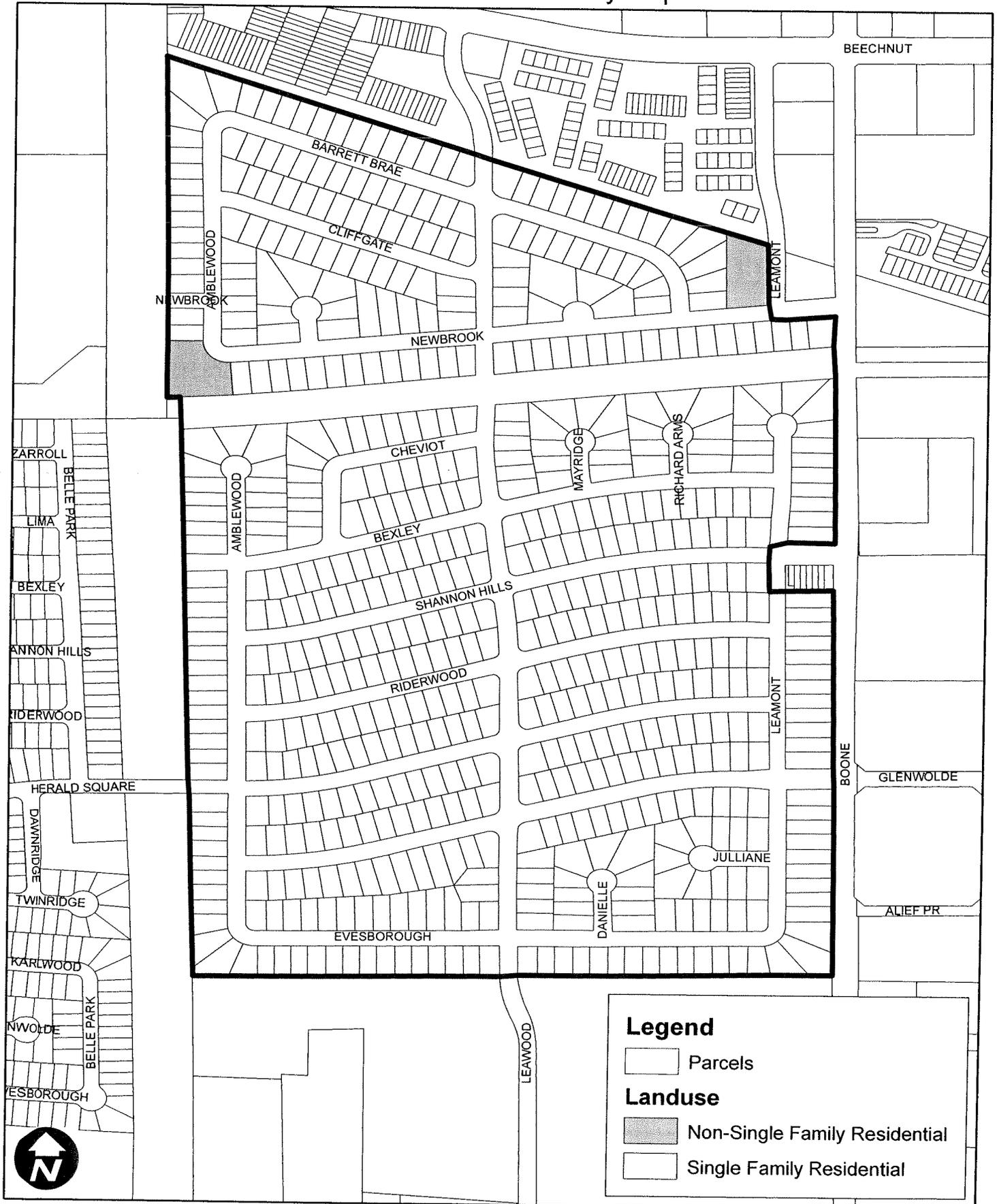
| Satisfies | Does Not Satisfy | Criteria |
|-----------|------------------|---|
| X | | <p><i>PYPRA includes five contiguous block faces;</i></p> <p>The application area contains at least five contiguous block faces.</p> |
| X | | <p><i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i></p> <p>99.7% of the proposed application area is developed as single-family residential.</p> |
| X | | <p><i>The application is authorized by the board of an active homeowners association or civic club that encompasses the residential area described in the application;</i></p> <p>The president of the Leawood Civic Improvement Association has signed a letter of support.</p> |
| X | | <p><i>Available parking is sufficient to accommodate the typical parking needs for the residential area;</i></p> <p>The curbside parking spaces or areas within the residential subdivision available to owners for the parking of vehicles or equipment are sufficient to accommodate the number of vehicles or equipment typically parked within the area.</p> |

The Prohibited Yard Parking Requirement Area meets the criteria.


 Nicole Smothers, _____ Date 11-6-09
 Hearing Official, Presiding

P090503

Leawood Civic Improvement Association Landuse and Boundary Map



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

| | | | |
|---|-------------------|------------------------|-----------------------------------|
| SUBJECT: Ordinance designating all improved single-family residential lots in the Andover Place Sections 1 and 3 - 5, Andover Place Section 2 R/P, Eastmore, Southview R/P and Fairlawn Place Subdivisions as a Prohibited Yard Parking Requirement Area | Category # | Page 1 of _____ | Agenda Item # 24 |
|---|-------------------|------------------------|-----------------------------------|

| | | |
|---|--|-----------------------------------|
| FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department | Origination Date November 10, 2009 | Agenda Date DEC 09 2009 |
|---|--|-----------------------------------|

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|---|--|
| DIRECTOR'S SIGNATURE: <i>Marlene L. Gafrick</i> | Council District affected: I |
|---|--|

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|--|--|
| For additional information contact: Kevin Calfee Phone: 713.837.7768 | Date and identification of prior authorizing Council action: 2009-0059, 1-27-09 |
|--|--|

RECOMMENDATION: (Summary) Approval of an ordinance designating all improved single-family residential lots in the Andover Place Sections 1 and 3 - 5, Andover Place Section 2 R/P, Eastmore, Southview R/P and Fairlawn Place Subdivisions as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.

| | |
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| Amount and Source of Funding: NA | Finance Budget: |
|---|------------------------|

SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the Andover-Southview-Fairlawn Civic Association Inc. initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Andover-Southview-Fairlawn Civic Association Inc. Notification was mailed to 1,019 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. Fifty nine (59) protests were timely filed with the Planning and Development Department. The Hearing Official held a public hearing on September 9, 2009 and recommended establishing the Prohibited Yard Parking Requirement Area.

- Attachments:
 Decision of the Hearing Official
 Prohibited Yard Parking Requirement Application
 Letter of Support
 Map of the proposed requirement area / land use

- xc: Marty Stein, Agenda Director
 Anna Russell, City Secretary
 Arturo G. Michel, City Attorney
 Don Cheatham, Land Use Division, Legal Department
 Chief Hurtt, HPD
 Alfred Moran, ARA

REQUIRED AUTHORIZATION

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|--------------------------|-----------------------------|-----------------------------|
| Finance Director: | Other Authorization: | Other Authorization: |
|--------------------------|-----------------------------|-----------------------------|

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

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| SUBJECT: Ordinance designating all improved single-family residential lots in the Maxcy Estates Subdivision, Sections 1 and 2 as a Prohibited Yard Parking Requirement Area | Category # | Page 1 of _____ | Agenda Item # 25 |
|--|-------------------|------------------------|----------------------------|

| | | |
|---|---|-----------------------------------|
| FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department | Origination Date October 29, 2009 | Agenda Date DEC 09 2009 |
|---|---|-----------------------------------|

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|---|--|
| DIRECTOR'S SIGNATURE: <i>Marlene L. Gafrick</i> | Council District affected: I |
|---|--|

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|--|--|
| For additional information contact: Kevin Calfee Phone: 713.837.7768 | Date and identification of prior authorizing Council action: 2009-0059, 1-28-09 |
|--|--|

RECOMMENDATION: (Summary) Approval of an ordinance designating all improved single-family residential properties in the Maxcy Estates Subdivision, Sections 1 and 2 as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.

| | |
|---|------------------------|
| Amount and Source of Funding: NA | Finance Budget: |
|---|------------------------|

SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the ETCP Civic Association initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the ETCP Civic Association. Notification was mailed to 48 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. One (1) protest was timely filed with the Planning and Development Department. The Hearing Official held a public hearing on October 7, 2009 and recommended establishing the Prohibited Yard Parking Requirement Area.

- Attachments:
 Decision of the Hearing Official
 Prohibited Yard Parking Requirement Area Application
 Letter of Support
 Map of the proposed requirement area / land use

- xc: Marty Stein, Agenda Director
 Anna Russell, City Secretary
 Arturo G. Michel, City Attorney
 Don Cheatham, Senior Assistant City Attorney
 Chief Hurtt, HPD
 Alfred Moran, ARA

| REQUIRED AUTHORIZATION | | |
|-------------------------------|-----------------------------|-----------------------------|
| Finance Director: | Other Authorization: | Other Authorization: |

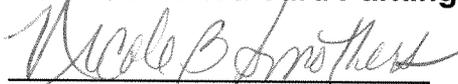
Prohibited Yard Parking Requirement Area No. P090708

Hearing Official's Approval

Hearing Official Evaluation:

| Satisfies | Does Not Satisfy | Criteria |
|-----------|------------------|--|
| X | | <i>PYPRA includes five contiguous block faces;</i> The application area contains at least five contiguous block faces. |
| X | | <i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i> 94.1% of the proposed application area is developed as single-family residential. |
| X | | <i>The application is authorized by the board of an active homeowners association or civic club that encompasses the residential area described in the application;</i> The president of the ETCP Civic Association has signed a letter of support. |
| X | | <i>Available parking is sufficient to accommodate the typical parking needs for the residential area;</i> The curbside parking spaces or areas within the residential subdivision available to owners for the parking of vehicles or equipment are sufficient to accommodate the number of vehicles or equipment typically parked within the area. |

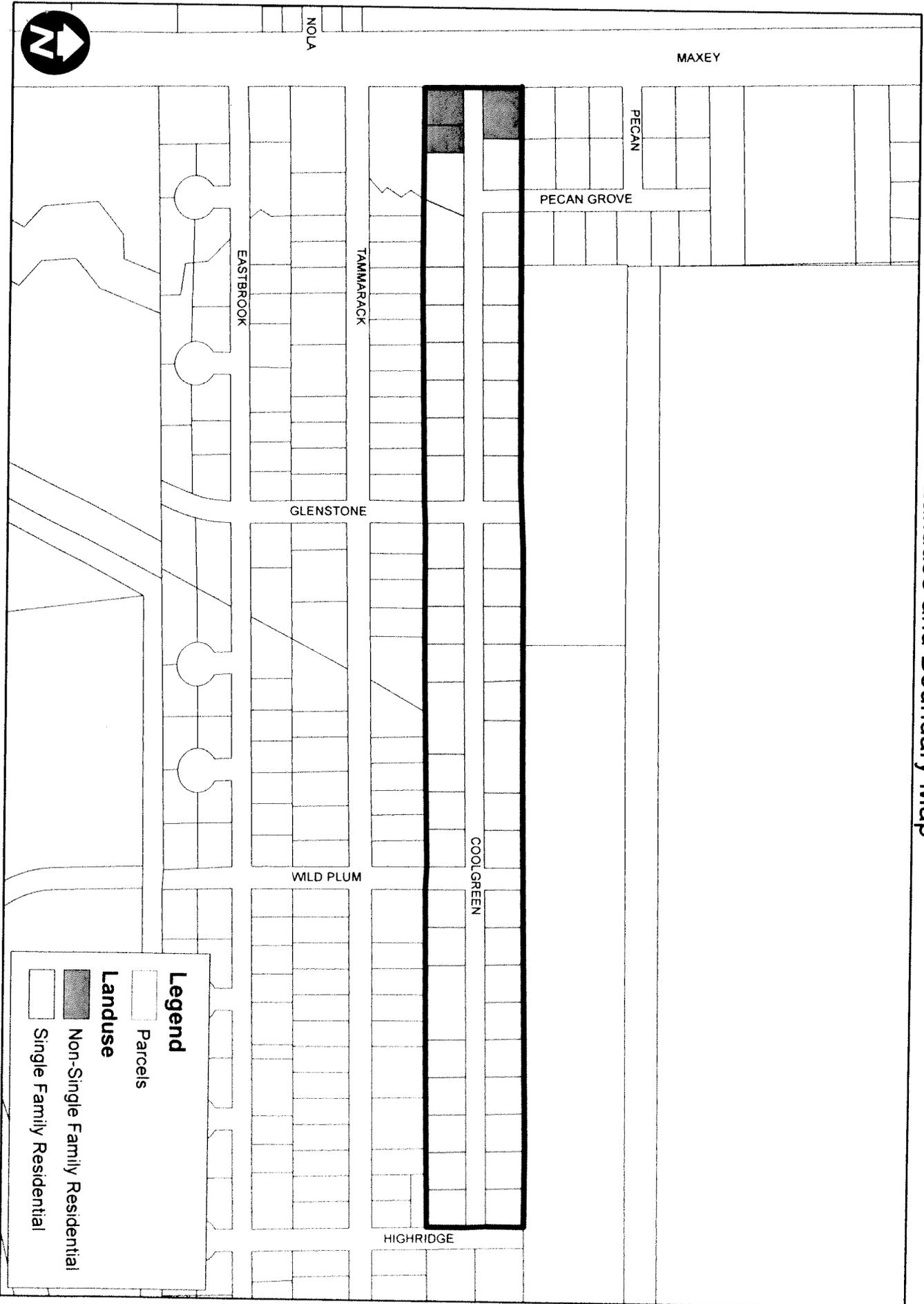
The Prohibited Yard Parking Requirement Area meets the criteria.

 10-29-09

Nicole Smothers,
Hearing Official, Presiding

Date

P090708
ETCP Civic Association
Landuse and Boundary Map



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|--|-------------------|--------------------|---------------------------|
| SUBJECT: Approve an ordinance authorizing City of Houston Combined Utility System First Lien Revenue Bonds, Series 2009B which includes authorization of the Issuing/Paying Agent Agreement and other related documents with respect to the CUS Series 2009B Bonds. | Category # | Page 1 of 1 | Agenda Item# 26 |
|--|-------------------|--------------------|---------------------------|

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| FROM (Department or other point of origin): Department of Finance and Office of the City Controller | Origination Date: 12/3/09 | Agenda Date DEC 09 2009 |
|---|-------------------------------------|-----------------------------------|

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| DIRECTOR'S SIGNATURE:  | Council District Affected: All |
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| For additional information contact: Charles Leal Phone: 713-837-9892 Jim Moncur Phone: 832-393-3525 | Date and identification of prior authorizing Council action: October 3, 2007 Resolution No. 2007-38 |
|--|---|

RECOMMENDATION: (Summary) Approve an ordinance authorizing City of Houston Combined Utility System First Lien Revenue Bonds, Series 2009B which includes authorization of the Issuing/Paying Agent Agreement and other related documents with respect to the CUS Series 2009B Bonds, in an amount not to exceed \$30 million. These bonds will be privately placed with the Texas Water Development Board (the "TWDB").

| | |
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| Amount of Funding: Not Applicable | Finance Budget: |
|--|------------------------|

| | | | |
|--|---------------------------------------|-------------------------------------|--|
| Source of Funding: <input checked="" type="checkbox"/> Enterprise Fund | <input type="checkbox"/> General Fund | <input type="checkbox"/> Grant Fund | <input type="checkbox"/> Other (Specify) |
|--|---------------------------------------|-------------------------------------|--|

SPECIFIC EXPLANATION:

The Texas Water Development Board ("TWDB") operates a program that provides below market, low-interest loans to applicants to assist in meeting clean water needs of communities. This program is known as the Clean Water State Revolving Fund ("CWSRF") and is open to political subdivisions that own and operate a wastewater system. The City's Combined Utility System ("CUS") has participated in this program since the late 1980's. The City of Houston Combined Utility System First Lien Revenue Bonds, Series 2009B ("CUS Series 2009B Bonds") will be issued as Tier III projects, which are typically 180 basis points lower than market.

The FWG recommends that the City issue the CUS Series 2009B Bonds with the proceeds to be used to fund approved projects, a reserve fund, costs of issuance and refund commercial paper.

The CUS Series 2009B Bonds will be privately placed with the TWDB, which eliminates the need for underwriters. The closing is expected to occur on December 22, 2009. Fulbright & Jaworski are recommended as bond counsel.

This item was discussed at the Budget and Fiscal Affairs Committee on November 2nd, 2009 and was recommended favorably for full City Council consideration

Recommendation:

The Finance Working Group recommends the approval of this item.

| REQUIRED AUTHORIZATION | | |
|------------------------|-----------------------------|-----------------------------|
| Finance Dept Budget | Other Authorization: | Other Authorization: |

| | | |
|--|--|--|
| SUBJECT: Ordinance authorizing the abandonment and sale of Kleberg Street, Fayette Street, and Val Verde Street, from McCulloch Circle to Yorktown Street, four utility easements, and the attendant aerial easements in exchange for the conveyance to the City of three 20-foot-wide utility easements, all within the Lamar Terrace Subdivision. Parcels SY3-046A through G and VY4-001A through C | <p align="center">Page <u>1</u> of <u>3</u></p> | <p align="center">Agenda Item #</p> <p align="right">27</p> |
| FROM (Department or other point of origin): Department of Public Works and Engineering | <p align="center">Origination Date</p> <p align="center">12/3/09</p> | <p align="center">Agenda Date</p> <p align="center">DEC 09 2009</p> |
| DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE, Director | <p align="center">Council District affected: C</p> <p align="right">Do for PSM</p> <p align="center">Key Map 491T/U</p> | |
| For additional information contact:  Nancy P. Collins Senior Assistant Director-Real Estate Phone: (713) 837-0881 | <p align="center">Date and identification of prior authorizing Council Action:</p> <p align="center">C.M. 2003-1019 (8/20/03)</p> | |
| <p>RECOMMENDATION: (Summary) It is recommended City Council approve an ordinance authorizing the abandonment and sale of Kleberg Street, Fayette Street, and Val Verde Street, from McCulloch Circle to Yorktown Street, four utility easements, and the attendant aerial easements in exchange for a total consideration of \$4,745,526.00 plus the conveyance to the City of three 20-foot-wide utility easements, all within the Lamar Terrace Subdivision. Parcels SY3-046A through G and VY4-001A through C</p> | | |

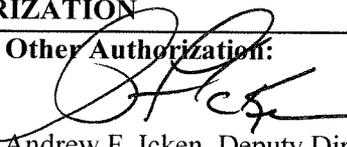
| | |
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| <p>Amount and Source of Funding: Not Applicable</p> | |
|--|--|

SPECIFIC EXPLANATION:
 By Council Motion 2003-1019, City Council authorized the abandonment and sale of Kleberg Street, Fayette Street, and Val Verde Street, from McCulloch Circle to Yorktown Street, in exchange for the conveyance to the City of three 20-foot-wide utility easements, all within the Lamar Terrace Subdivision. Thereafter, the applicant requested to add four utility easements and the attendant aerial easements to the transaction as reflected in the above subject. As the subdivision plat includes aerial easements adjacent to the utility easements, the aerial easements will be extinguished as part of this transaction. The transaction was processed accordingly. The property owner, Houston Independent School District (HISD), built the new St. George Place Elementary School on a portion of the site bordered by W. Alabama Street, McCulloch Circle, Hidalgo Street, and Yorktown Street.

By Ordinance No. 90-1452, dated December 12, 1990, the City created Tax Increment Reinvestment Zone Number One, City of Houston, Texas (St. George Place Zone) for the purposes of redevelopment in the St. George Place Area. In connection with the establishment of the St. George Place Zone (TIRZ), the City of Houston, Houston Independent School District, and the TIRZ entered into an Interlocal Agreement, dated January 29, 1997, as amended on August 24, 1999, relating to the participation of HISD in the TIRZ. The agreement provides that monies in the TIRZ shall be used to pay school support services, including the cost to abandon rights-of-way in the TIRZ required for HISD educational facilities. Thus, the costs for the Fayette Street and Val Verde Street rights-of-way located within the St. George Place Elementary School site and which are being abandoned and sold in this transaction will be paid out of revenues of the TIRZ. The TIRZ will pay the City a total of \$2,779,224.00 for the Fayette Street and Val Verde Street rights-of-way from available revenue of the TIRZ each year until the total amount is paid. Based upon current economic conditions, the Finance Department projects that the TIRZ payments will be finalized by approximately 2017. These funds will be deposited into the General Fund as they are received from the TIRZ. The total cash consideration to be paid for all City streets and easements involved in this abandonment and sale transaction is \$4,745,526.00. The Houston Independent School District will pay \$1,966,302.00 for the Kleberg Street right-of-way and four utility easements in exchange for the conveyance to the City of three utility easements.

s:\psm\sy3-046.rc2A.doc CUIC #20PSM182B

REQUIRED AUTHORIZATION

| | | |
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| <p>Finance Department:</p> | <p>Other Authorization:</p> | <p>Other Authorization:  Andrew F. Icken, Deputy Director Planning and Development Services Division</p> |
|-----------------------------------|------------------------------------|--|

| | | | |
|--------------|---|------------------------------|-------------------------------------|
| Date: | Subject: Ordinance authorizing the abandonment and sale of Kleberg Street, Fayette Street, and Val Verde Street, from McCulloch Circle to Yorktown Street, four utility easements, and the attendant aerial easements in exchange for the conveyance to the City of three 20-foot-wide utility easements, all within the Lamar Terrace Subdivision. Parcels SY3-046A through G and VY4-001A through C | Originator's Initials | Page <u>2</u> of <u>3</u> |
|--------------|---|------------------------------|-------------------------------------|

This transaction is divided into two parts.

In Part I, the City will abandon and sell to Houston Independent School District:

Parcel SY3-046B

48,610-square-foot Fayette Street right-of-way \$1,361,080.00
Valued at \$28.00 per square foot @ 100%

Parcel SY3-046C

50,648-square-foot Val Verde Street right-of-way \$1,418,144.00
Valued at \$28.00 per square foot @ 100%

Total to be paid by the St. George Place Zone as revenues become available: \$2,779,224.00

In Part II, the City will abandon and sell to Houston Independent School District:

Parcel SY3-046A

59,109-square-foot Kleberg Street right-of-way \$1,655,052.00
Valued at \$28.00 per square foot @ 100%

Parcel SY3-046D

12,675-square-foot utility easement \$118,828.00 (R)
Valued at \$25.00 per square foot @ 37.5%

Parcel SY3-046E

8,296-square-foot utility easement \$77,775.00
Valued at \$25.00 per square foot @ 37.5%

Parcel SY3-046F

8,172-square-foot utility easement \$76,613.00 (R)
Valued at \$25.000 per square foot @ 37.5%

Parcel SY3-046G

8,816-square-foot utility easement \$82,650.00
Valued at \$25.00 per square foot @ 37.5%

TOTAL FOR ABANDONMENTS TO BE PAID BY HOUSTON INDEPENDENT SCHOOL DISTRICT \$2,010,918.00

In exchange, Houston Independent School District will pay

Cash \$1,906,302.00

Houston Independent School District will deduct this amount from the credit account established by the Interlocal Agreement between the City of Houston and Houston Independent School District \$60,000.00

| | | | |
|--------------|---|------------------------------|------------------------------|
| Date: | Subject: Ordinance authorizing the abandonment and sale of Kleberg Street, Fayette Street, and Val Verde Street, from McCulloch Circle to Yorktown Street, four utility easements, and the attendant aerial easements in exchange for the conveyance to the City of three 20-foot-wide utility easements, all within the Lamar Terrace Subdivision. Parcels SY3-046A through G and VY4-001A through C | Originator's Initials | Page <u>3 of 3</u> |
|--------------|---|------------------------------|------------------------------|

Plus convey to the City:

Parcel VY4-001A

2,359-square-foot utility easement

Valued at \$25.00 per square foot @ 37.5% \$22,116.00 (R)

Parcel VY4-001B

1,200-square-foot utility easement

Valued at \$25.00 per square foot @ 37.5% \$11,250.00

Parcel VY4-001C

1,200-square-foot utility easement

Valued at \$25.00 per square foot @ 37.5% \$11,250.00

TOTAL CASH AND CONVEYANCES

FROM HOUSTON INDEPENDENT SCHOOL DISTRICT

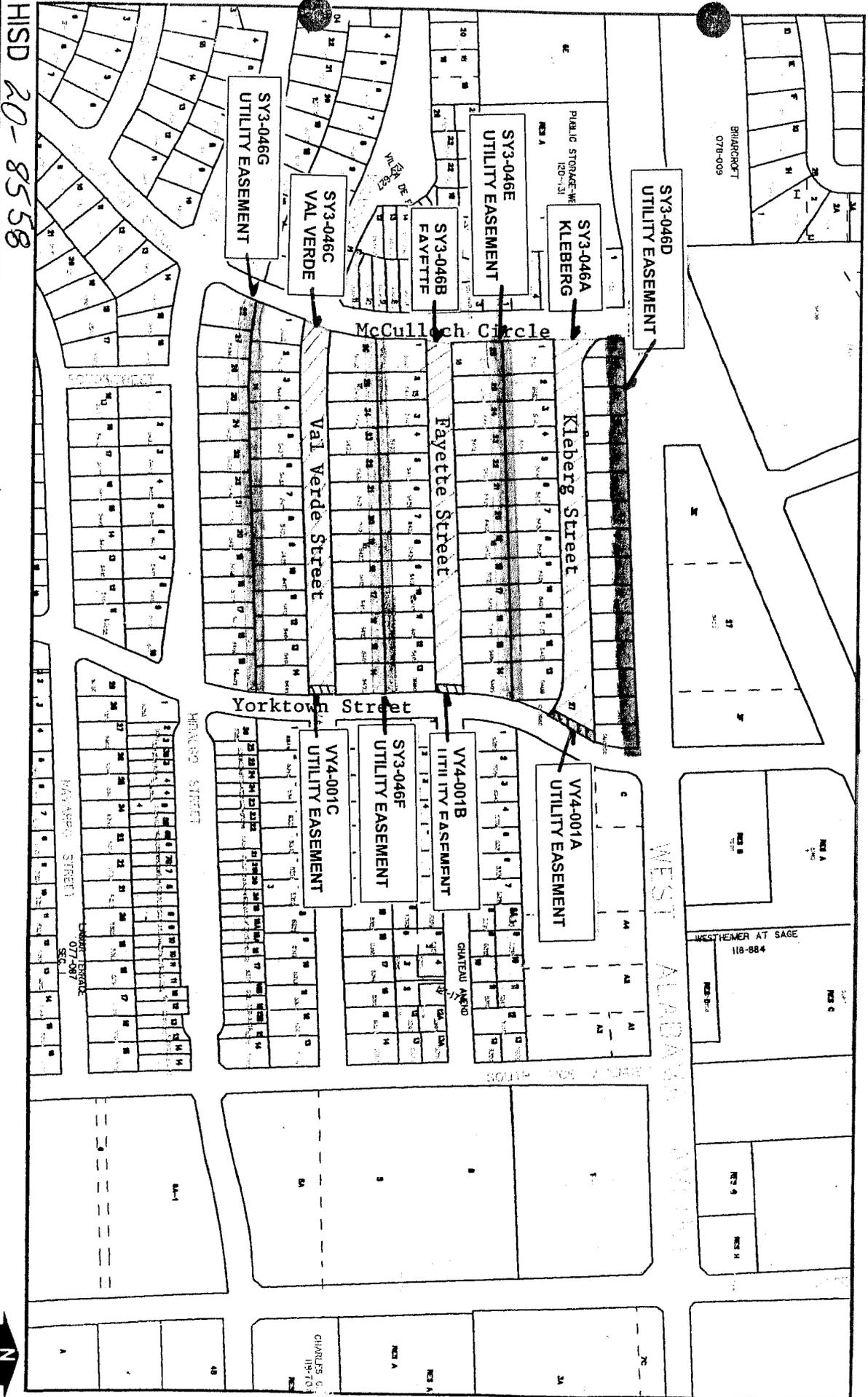
\$2,010,918.00

Therefore it is recommended City Council approve an ordinance authorizing the abandonment and sale of Kleberg Street, Fayette Street, and Val Verde Street, from McCulloch Circle to Yorktown Street, four utility easements, and the attendant aerial easements in exchange for a total consideration of \$4,745,526.00 payable in part by HISD and in part by the St. George Place Zone (TIRZ #1), plus the conveyance to the City of three 20-foot-wide utility easements, all within the Lamar Terrace Subdivision. The TIRZ will pay to the City a total of \$2,779,224.00 for the Fayette Street and Val Verde Street rights-of-way from available revenue paid to the TIRZ each year. Houston Independent School District paid \$68,770.00 in cash and has requested to deduct \$60,000.00 from the credit account established by the Interlocal Agreement between the City of Houston and Houston Independent School District (not connected to the St. George Place Zone agreement). Houston Independent School District will pay an additional \$1,837,532.00 upon approval by its Board of Education. The abandonment and sale will be effective upon receipt of all funds, but must take place on or before January 15, 2010.

MSM:NPC:psm

- c: Jun Chang, P.E.
- Daniel Menendez, P.E.
- Marty Stein
- Jeffrey Weatherford, P.E., PTOE

Abandonment and sale of Kleberg Street, Fayette Street, and Val Verde Street, from McCulloch Circle to Yorktown Street, four utility easements, and the attendant aerial easements in exchange for the conveyance to the City of three 20-foot-wide utility easements, all within Lamar Terrace Subdivision. Parcels SY3-046A, SY3-046B, SY3-046C, SY3-046D, SY3-046E, SY3-046F, SY3-046G, VY4-001A, VY4-001B, and VY4-001C



MOTION by Council Member Goldberg that the recommendation of the Director of the Department of Public Works and Engineering, reviewed and approved by the Joint Referral Committee, on request from C. L. Davis of C. L. Davis & Company, 1500 Winding Way, Friendswood Texas, 77546, on behalf of Houston Independent School District (HISD), for the abandonment and sale of Kleberg Street, Fayette Street, and Val Verde Street, from McCulloch Circle to Yorktown Street, all within Lamar Terrace Subdivision, Parcels No. SY3-046A, SY3-046B, SY3-046C, VY4-001A, VY4-001B and VY4-001C, be adopted, as follows:

1. The City abandon and sell Kleberg Street, Fayette Street, and Val Verde Street, from McCulloch Circle to Yorktown Street, in exchange for the conveyance to the City of three 20-foot-wide utility easements, all within Lamar Terrace Subdivision;
2. The Applicant be required to: (a) change the public appearance of the streets being abandoned by constructing continuous concrete curbing and sidewalks across them along McCulloch Circle and Yorktown Street, (b) remove the pavement on the streets being abandoned, (c) provide for storm water collection in the absence of the street and storm water collection system being abandoned; and (d) remove the traffic signs and poles along the streets being abandoned and return them to the City;
3. The Applicant be required to obtain a letter of no objection from each of the privately owned utility companies;
4. The Applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
5. The Legal Department be authorized to prepare the necessary transaction documents; and
6. Mr. Thomas Bazan and Ms. Lynette Forerette independent real estate appraisers are hereby appointed to establish the value, inasmuch as the value of the property interests is expected to exceed \$25,000.00.

Seconded by Council Member Ellis and carried.

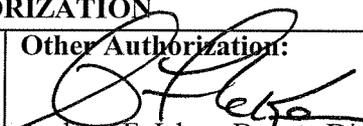
Mayor Brown, Council Members Tatro, Galloway,
Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez,
Alvarado, Parker, Quan, Sekula-Gibbs, Berry and
Robinson voting aye
Nays none

PASSED AND ADOPTED this 20th day of August, 2003.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is August 26, 2003.

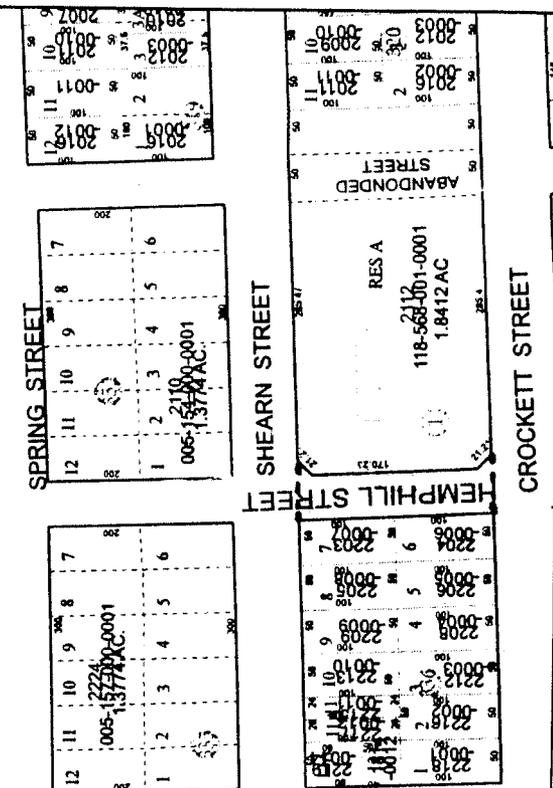
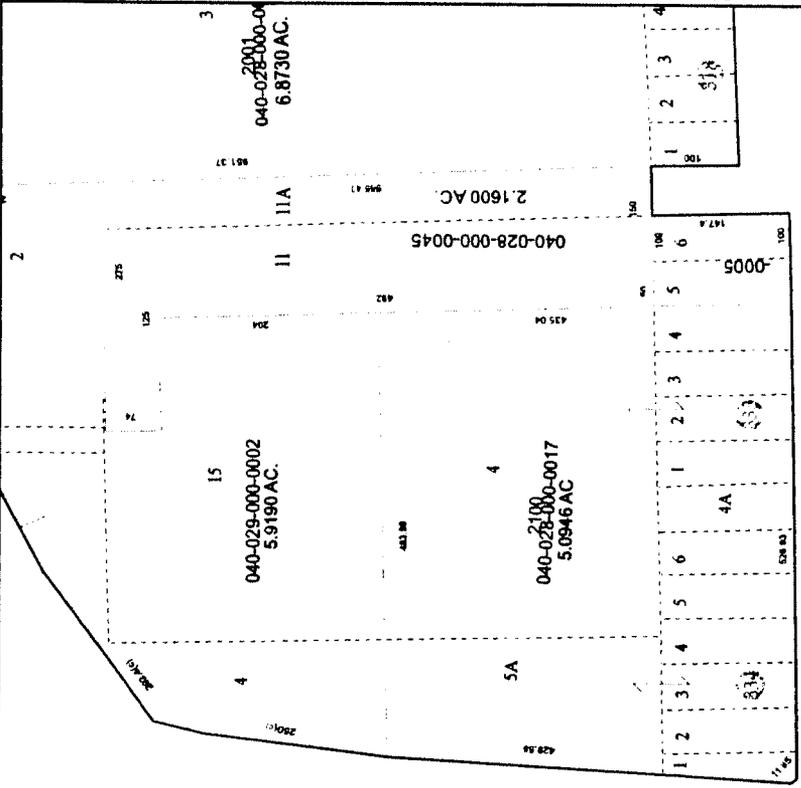
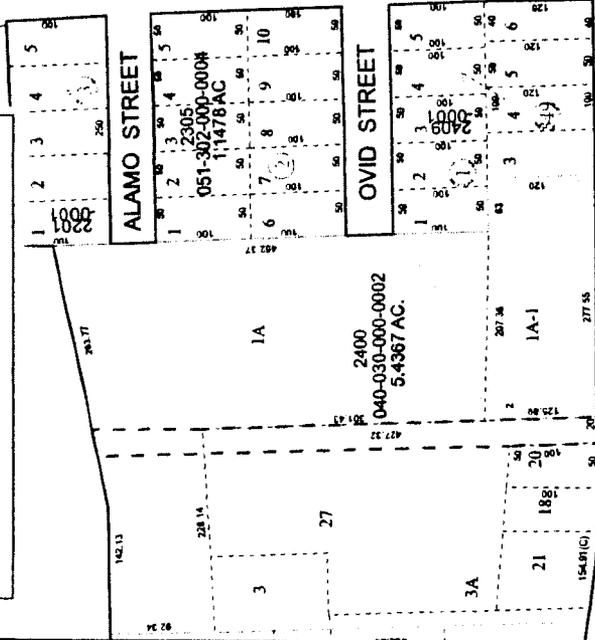

City Secretary

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

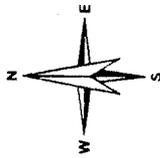
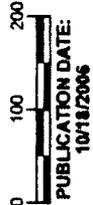
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| SUBJECT: Ordinance authorizing the abandonment and sale of Hemphill Street, from Crockett Street to Shearn Street, located in the Baker, Shearne, & Riordan Addition. Parcel SY8-046 | | Page <u>1</u> of <u>1</u> | Agenda Item # 28 |
| FROM (Department or other point of origin): Department of Public Works and Engineering | | Origination Date 12/3/09 | Agenda Date DEC 09 2009 |
| DIRECTOR'S SIGNATURE: MS  Michael S. Marcotte, P.E., D.WRE, BCEE, Director | | Council District affected: H PSM Key Map 493F | |
| For additional information contact: Nancy P. Collins  Senior Assistant Director-Real Estate Phone: (713) 837-0881 | | Date and identification of prior authorizing Council Action: C.M. 2008-0174 (03/05/08) and C.M. 2008-0542 (07/01/08) | |
| RECOMMENDATION: (Summary) It is recommended City Council approve an ordinance authorizing the abandonment and sale of Hemphill Street, from Crockett Street to Shearn Street, located in the Baker, Shearne, & Riordan Addition. Parcel SY8-046 | | | |
| Amount and Source of Funding: Not Applicable | | | |
| SPECIFIC EXPLANATION: By Motion 2008-0174, City Council authorized the subject transaction. By amended Council Motion 2008-0542, City Council authorized a Right of Entry for the abutting property owner, Houston Independent School District, and deleted Item 5 in Council Motion 2008-0174 as a requirement. Houston Independent School District plans to expand the campus of Crockett Elementary School located at 2112 Crockett Street. Houston Independent School District has complied with the council motion requirements, has accepted the City's offer, and has rendered payment in full. The City will abandon and sell to Houston Independent School District: Parcel SY8-046 10,198-square-foot portion of Hemphill Street \$316,138.00 Valued at \$31.00 per square foot Hemphill Street Improvements: \$7,688.00 TOTAL ABANDONMENTS <u>\$323,826.00</u> Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of Hemphill Street, from Crockett Street to Shearn Street, located in the Baker, Shearne, & Riordan Addition. MSM: NPC:psm c: Jun Chang, P.E. Daniel Menendez, P.E. Marty Stein Jeffrey Weatherford, P.E., PTOE s:\psm\sy8-046.rc2.doc | | | |
| REQUIRED AUTHORIZATION CUIC #20PSM231 | | | |
| Finance Department: | Other Authorization: | Other Authorization:  Andrew F. Icken, Deputy Director Planning and Development Services Division | |

Abandonment and sale of Hemphill Street, from Crockett Street to Shearn Street, located in the Baker, Shearne, & Riordan Addition. Parcel SY8-046

TRACE 03



Harris County Appraisal District



MAP LOCATION



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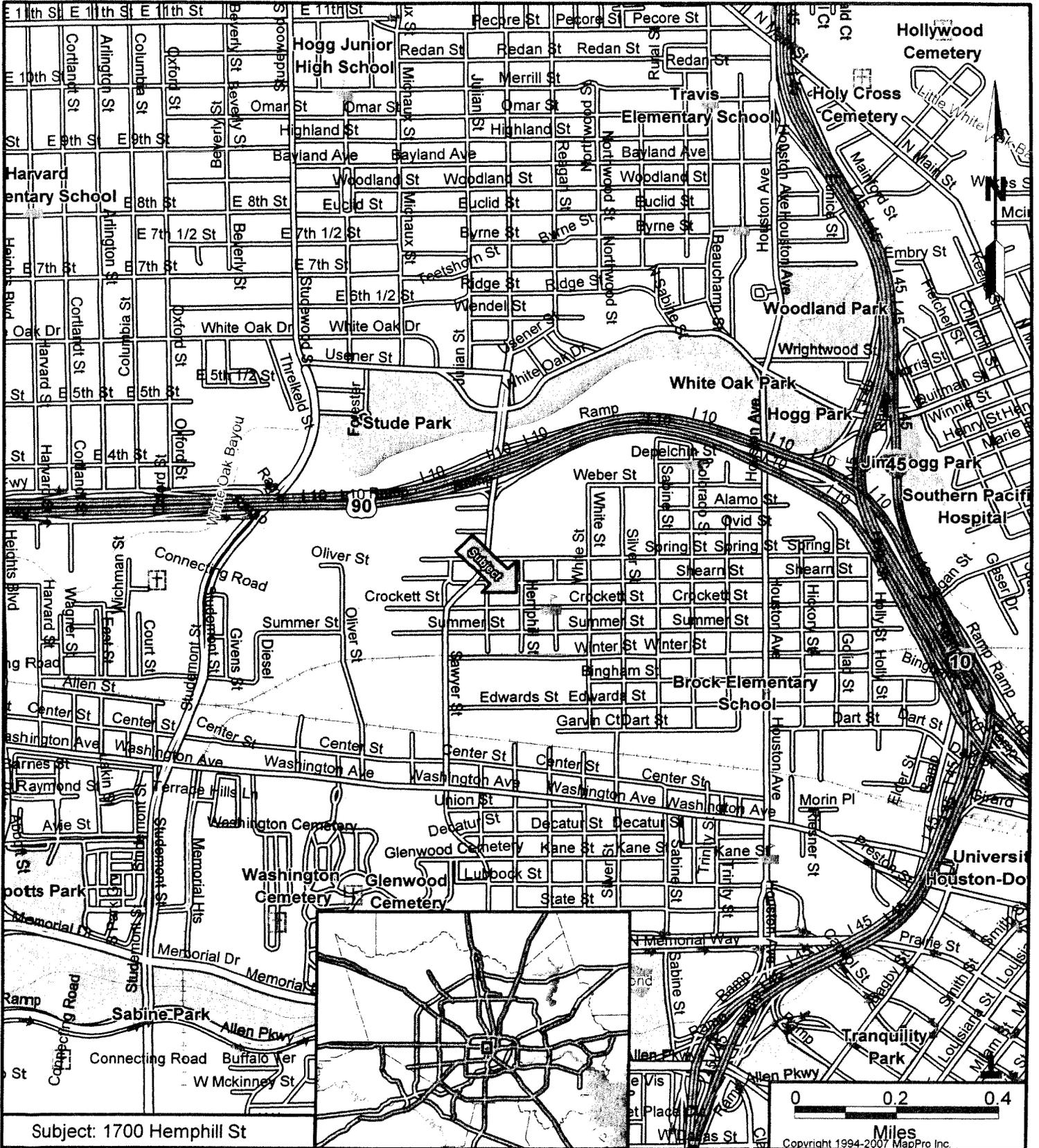
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5358D5

Abandonment and sale of Hemphill Street, from Crockett Street to Shearn Street, located in the Baker, Shearne, & Riordan Addition. **Parcel SY8-046**



Subject: 1700 Hemphill St

CAUTION:

The location of property arrows shown on this map are approximate only. Inaccuracies may exist on map such as missing, incorrectly drawn, or incorrectly addressed streets. Please report any such inaccuracy to MapPro, Inc. so that appropriate corrections can be made.

MOTION by Council Member Garcia that the recommendation of the Director of the Department of Public Works and Engineering, reviewed and approved by the Joint Referral Committee, for amendment to Motion No. 2008-0174, passed and adopted March 5, 2008, which authorized the abandonment and sale of Hemphill Street, from Crockett Street to Shearn Street, located in the Baker, Shearne & Riordan Addition, Parcel SY8-046, be adopted, and Motion No. 2008-0174 is hereby amended to provide the following:

1. The City grant a right of entry to Houston Independent School District; and
2. Item 5 of the council motion described as follows be deleted:

The applicant be required to provide the City with a Letter of Credit covering the estimated construction cost approved by the City for the required work. The applicant will be required to provide a LOC showing the City of Houston as beneficiary and in the amount of the estimated construction cost approved by the City. The LOC will be for a specific time period which may be less than but not longer than twelve months from the effective date of the ordinance for the transaction. Upon the applicant's satisfactory completion of the construction-related work as evidenced by written inspection clearance/approval by the Office of the City Engineer, PWE, at the applicant's request the City will release the LOC

Seconded by Council Member Green and carried.

Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm, Garcia, Rodriguez, Brown, Lovell, Green and Jones voting aye
Nays none

Council Member Noriega out of the City on personal business

PASSED AND ADOPTED this 1st day of July, 2008.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is July 7, 2008.


City Secretary

MOTION by Council Member Khan that the recommendation of the Director of the Department of Public Works and Engineering, reviewed and approved by the Joint Referral Committee, on request from Chuck Davis of C. L. Davis & Company, 1500 Winding Way, Houston, Texas, 77546, on behalf of Houston Independent School District, for the abandonment and sale of Hemphill Street, from Crockett Street to Shearn Street, located in the Baker, Shearne & Riordan Addition, Parcel No. SY8-046, be adopted as follows:

1. The City abandon and sell Hemphill Street, from Crockett Street to Shearn Street, located in the Baker, Shearne, & Riordan Addition;
2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
3. The applicant be required to cut, plug, and abandon the 8-inch water main within the Hemphill Street right-of-way, from the intersection of Hemphill Street and Crockett Street to the intersection of Hemphill Street and Shearn Street and pay the depreciated value for the water main, at no cost to the City and under the proper permits;
4. The applicant be required to prepare drawings that show all public utilities (water main) that are to be abandoned, relocated, and/or constructed as part of this project and submit drawings to the Office of the City Engineer for plan review and approval. A copy of the council motion shall be attached to the plan set when it is submitted for plan review;
5. The applicant be required to provide the City with a Letter of Credit covering the estimated construction cost approved by the City for the work required in Item 3 above. The applicant will be required to provide a LOC showing the City of Houston as beneficiary and in the amount of the estimated construction cost approved by the City. The LOC will be for a specific time period which may be less than but not longer than twelve months from the effective date of the ordinance for the transaction. Upon the applicant's satisfactory completion of the construction-related work as evidenced by written inspection clearance/approval by the Office of the City Engineer, PWE, at the applicant's request the City will release the LOC;

6. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the street being abandoned and sold;
7. The Legal Department be authorized to prepare the necessary transaction documents; and
8. John Fox and Patrick O'Connor, independent real estate appraisers, are hereby appointed to establish the value, inasmuch as the value of the property interest is expected to exceed \$25,000.00.

Seconded by Council Member Garcia and carried.

Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm, Garcia, Rodriguez, Brown, Lovell and Noriega voting aye
Nays none

Council Members Green and Jones absent on personal business

PASSED AND ADOPTED this 5th day of March, 2008.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is March 11, 2008.


City Secretary

| | | |
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| <p>SUBJECT: Ordinance authorizing (A) the City's abandonment and sale of: 1) Loretto Street, from Richmond Avenue north to its terminus; 2) Colquitt Street, from Mandell Street to Loretto Street; and 3) 3,675 square feet of excess Mandell Street right-of-way, (B) the City's abandonment of the Camp Logan sanitary sewer line, in exchange for Menil's conveyance to the City of (i) full-width underground utility easements beneath the abandoned Loretto Street and Colquitt Street rights-of-way, and (ii) the conveyance by Menil and its subsidiary of 17,040 square feet of land for the expansion of Richmond Avenue right-of-way, located in the 1410 Richmond Avenue Subdivision, South Lancaster Place, and Lancaster Place Extension No. 2, all out of the O. Smith Survey, and (C) approval of the Agreement which addresses various obligations between Menil and the City. Parcels SY9-048A, SY9-048B, SY9-048C, SY9-048D, SY9-048E, VY9-030A, VY9-030B, AY9-460A and AY9-460B</p> | <p>Page <u>1 of 3</u></p> <p>gg</p> | <p>Agenda Item #</p> <p>29</p> |
|--|--|---------------------------------------|

| | | |
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| <p>FROM (Department or other point of origin): Department of Public Works and Engineering</p> | <p>Origination Date 12 / 4 / 09</p> | <p>Agenda Date DEC 09 2009</p> |
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| <p>DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE, Director</p> | <p>Council District affected: D</p> <p>Key Map 492V and 492Z</p> |
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| <p>For additional information contact: Nancy P. Collins  Phone: (713) 837-0881 Senior Assistant Director-Real Estate</p> | <p>Date and identification of prior authorizing Council Action: C.M. 2009-0629 (8/26/09)</p> |
|--|---|

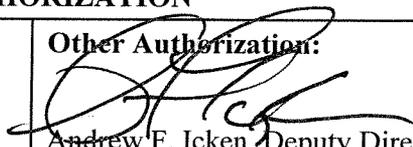
RECOMMENDATION: (Summary) It is recommended City Council approve an ordinance authorizing (A) the City's abandonment and sale of: 1) Loretto Street, from Richmond Avenue north to its terminus; 2) Colquitt Street, from Mandell Street to Loretto Street; and 3) 3,675 square feet of excess Mandell Street right-of-way, (B) the City's abandonment of the Camp Logan sanitary sewer line, in exchange for Menil's conveyance to the City of (i) full-width underground utility easements beneath the abandoned Loretto Street and Colquitt Street rights-of-way, and (ii) the conveyance by Menil and its subsidiary of 17,040 square feet of land for the expansion of Richmond Avenue right-of-way, located in the 1410 Richmond Avenue Subdivision, South Lancaster Place, and Lancaster Place Extension No. 2, all out of the O. Smith Survey, and (C) approval of the Agreement which addresses various obligations between Menil and the City. **Parcels SY9-048A, SY9-048B, SY9-048C, SY9-048D, SY9-048E, VY9-030A, VY9-030B, AY9-460A, and AY9-460B**

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| <p>Amount and Source of Funding: Not Applicable</p> | |
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SPECIFIC EXPLANATION:
By Council Motion 2009-0629, City Council authorized (A) the abandonment and sale of: 1) Loretto Street, from Richmond Avenue north to its terminus; 2) Colquitt Street, from Mandell Street to Loretto Street; and 3) 3,675 square feet of excess Mandell Street right-of-way, (B) the City's abandonment of the Camp Logan sanitary sewer line, in exchange for Menil's conveyance to the City of (i) full-width underground utility easements beneath the abandoned Loretto Street and Colquitt Street rights-of-way, and (ii) the conveyance by Menil and its subsidiary of 17,040 square feet of land for the expansion of Richmond Avenue right-of-way, located in the 1410 Richmond Avenue Subdivision, South Lancaster Place, and Lancaster Place Extension No. 2, all out of the O. Smith Survey, and (C) approval of the Outline for Agreement which addresses various obligations between Menil and the City. Thereafter the surveyor determined the Camp Logan sanitary sewer line was divided into two sections creating the need for an additional sales parcel number. The Menil Foundation, Inc, the abutting owner, plans to combine the property being abandoned and sold with its abutting property for the future master re-development of its entire property bordered by Mandell Street to the west, West Alabama Street to the north, Graustark Street to the east, and Richmond Avenue to the south. This redevelopment may include construction of such facilities as the Menil Drawing Institute and Study Center, an auditorium, a café, additional space for Menil archives, buildings devoted to the work of individual artists, and possibly the development of income-producing properties along Richmond Avenue and in other areas.

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| <p>s:\gg\sy9-033.rca2.doc</p> | <p>CUIC #20GG004</p> |
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REQUIRED AUTHORIZATION

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| <p>Finance Department</p> | <p>Other Authorization:</p> | <p>Other Authorization:  Andrew F. Icken, Deputy Director Planning and Development Services Division</p> |
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| Date: | Subject: Ordinance authorizing (A) the City's abandonment and sale of: 1) Loretto Street, from Richmond Avenue north to its terminus; 2) Colquitt Street, from Mandell Street to Loretto Street; and 3) 3,675 square feet of excess Mandell Street right-of-way, (B) the City's abandonment of the Camp Logan sanitary sewer line, in exchange for Menil's conveyance to the City of (i) full-width underground utility easements beneath the abandoned Loretto Street and Colquitt Street rights-of-way, and (ii) the conveyance by Menil and its subsidiary of 17,040 square feet of land for the expansion of Richmond Avenue right-of-way, located in the 1410 Richmond Avenue Subdivision, South Lancaster Place, and Lancaster Place Extension No. 2, all out of the O. Smith Survey, and (C) approval of the Agreement which addresses various obligations between Menil and the City. Parcels SY9-048A, SY9-048B, SY9-048C, SY9-048D, SY9-048E, VY9-030A, VY9-030B, AY9-460A and AY9-460B | Originator's Initials gg | Page <u>2</u> of <u>3</u> |
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The Menil Foundation, Inc, and its subsidiary, The Richmond Corporation, have accepted the City's offer, and approved the Agreement which addresses various obligations between Menil and the City.

The City will abandon and sell to The Menil Foundation Inc, or its subsidiary, The Richmond Corporation:

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| <u>Parcel SY9-048A</u> | |
| 28,766-square-foot excess street right-of-way Valued at \$70.00 PSF | \$ 2,013,620.00 |
| <u>Parcel SY9-048B</u> | |
| 22,765-square-foot excess street right-of-way Valued at \$56.50 PSF | \$ 1,286,223.00 (Rounded) |
| <u>Parcel SY9-048C</u> | |
| 3,675-square-foot excess street right-of-way Valued at \$70.00 PSF | \$ 257,250.00 |
| Loretto Street improvements | \$ 25,625.00 |
| Colquitt Street improvements | \$ 28,875.00 |
| Mandell Street | \$ 2,700.00 |
| TOTAL ABANDONMENTS: | <u>\$ 3,614,293.00</u> |

In exchange, The Menil Foundation, Inc, will convey to the City:

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| <u>Parcel VY9-030A</u> | |
| 28,766-square-foot utility easement Valued at \$35.00 PSF | \$ 1,006,810.00 |
| <u>Parcel VY9-030B</u> | |
| 22,765-square-foot utility easement Valued at \$28.25 PSF | \$ 643,111.00 (Rounded) |
| <u>Parcel AY9-460A</u> | |
| 11,287-square-foot street easement Valued at \$70.00 PSF | \$ 790,090.00 |
| <u>Parcel AY9-460B</u> | |
| 5,753-square foot street easement Valued at \$70.00 PSF | \$ 402,710.00 |
| TOTAL CONVEYANCES | <u>\$2,842,721.00</u> |
| TOTAL NET CONSIDERATION TO THE CITY | <u>\$ 771,572.00</u> |

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| Date: | Subject: Ordinance authorizing (A) the City's abandonment and sale of: 1) Loretto Street, from Richmond Avenue north to its terminus; 2) Colquitt Street, from Mandell Street to Loretto Street; and 3) 3,675 square feet of excess Mandell Street right-of-way, (B) the City's abandonment of the Camp Logan sanitary sewer line, in exchange for Menil's conveyance to the City of (i) full-width underground utility easements beneath the abandoned Loretto Street and Colquitt Street rights-of-way, and (ii) the conveyance by Menil and its subsidiary of 17,040 square feet of land for the expansion of Richmond Avenue right-of-way, located in the 1410 Richmond Avenue Subdivision, South Lancaster Place, and Lancaster Place Extension No. 2, all out of the O. Smith Survey, and (C) approval of the Agreement which addresses various obligations between Menil and the City. Parcels SY9-048A, SY9-048B, SY9-048C, SY9-048D, SY9-048E, VY9-030A, VY9-030B, AY9-460A, and AY9-460B | Originator's Initials gg | Page <u>3</u> of <u>3</u> |
|--------------|--|--|-------------------------------------|

In lieu of immediate payment of the net amount owed for the abandonments, The Menil Foundation, Inc., and its subsidiary, The Richmond Corporation, will invest the equivalent amount or more in various infrastructure improvements in the surrounding area as referenced in the Agreement.

Therefore, it is recommended City Council approve an ordinance authorizing (A) the City's abandonment and sale of: 1) Loretto Street, from Richmond Avenue north to its terminus; 2) Colquitt Street, from Mandell Street to Loretto Street; and 3) 3,675 square feet of excess Mandell Street right-of-way, (B) the City's abandonment of the Camp Logan sanitary sewer line, in exchange for Menil's conveyance to the City of (i) full-width underground utility easements beneath the abandoned Loretto Street and Colquitt Street rights-of-way, and (ii) the conveyance by Menil and its subsidiary of 17,040 square feet of land for the expansion of Richmond Avenue right-of-way, located in the 1410 Richmond Avenue Subdivision, South Lancaster Place, and Lancaster Place Extension No. 2, all out of the O. Smith Survey, and (C) the Mayor to execute and the City Secretary to attest an Agreement outlining the various rights and responsibilities between the City and Menil.

NPC:WSB:gg

- c: Phil Boriskie
- Jun Chang, P.E.
- Marlene Gafrick
- Daniel Menendez, P.E
- Marty Stein
- Jeffrey Weatherford, P.E., PTOE

MOTION by Council Member Khan that the recommendation of the Director of the Department of Public Works and Engineering, reviewed and approved by the Joint Referral Committee, on request from the Menil Foundation, Inc., (Menil), 1519 Branard Street, Houston, Texas 77006, (A) the City's abandonment and sale of: 1) Loretto Street, from Richmond Avenue north to its terminus; 2) Colquitt Street, from Mandell Street to Loretto Street; and 3) $\pm 6,146$ square feet of excess Mandell Street right-of-way, (B) the City's abandonment of the Camp Logan sanitary sewer line in exchange for Menil's conveyance to the City of (i) full-width underground utility easements beneath the abandoned Loretto Street and Colquitt Street rights-of-way, and (ii) the conveyance by Menil and its subsidiary of $\pm 18,346$ square feet of land for the expansion of Richmond Avenue right-of-way; located in the 1410 Richmond Avenue Subdivision, South Lancaster Place, and Lancaster Place Extension No. 2, all out of the O. Smith Survey, and (C) approval of the Outline for Agreement which addresses various obligations between Menil and the City. Parcels SY9-048A, SY9-048B, SY9-048C, SY9-048D, VY9-030A, VY9-030B, and AY9-460, be adopted, as follows:

1. The City abandon and sell 1) Loretto Street, from Richmond Avenue north to its terminus; 2) Colquitt Street, from Mandell Street to Loretto Street; and 3) $\pm 6,146$ square feet of excess Mandell Street right-of-way, in exchange for Menil's conveyance to the City of (i) full-width underground utility easements beneath the abandoned Loretto Street and Colquitt Street rights-of-way, and (ii) the conveyance by Menil and its subsidiary of $\pm 18,346$ square feet of land for the expansion of Richmond Avenue right-of-way; located in the 1410 Richmond Avenue Subdivision, South Lancaster Place, and Lancaster Place Extension No. 2, all out of the O. Smith Survey;
2. The City abandon the Camp Logan sanitary sewer line that crosses the Menil campus and is no longer used for sanitary sewer purposes;
3. The City approve the Outline for Agreement which addresses the requirements in item 1 above in addition to the obligations between Menil and the City;
4. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
5. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the excess Mandell Street right-of-way being sold;

6. The applicant be required to: (a) cut, plug, and abandon, the 8-inch water line and the 8-inch sanitary sewer line within the excess Mandell Street right-of-way and relocate these lines into the remaining Mandell Street right-of-way and (b) cut, plug and abandon or convert to private service the active 6-inch sanitary sewer line located within the block between Colquitt Street and Richmond Avenue. All of the foregoing requirements must be completed under the proper permits and at no cost to the City;
7. The applicant be required to: (a) eliminate the public street appearance of Loretto Street at Richmond Avenue and Colquitt Street at Mandell Street; (b) If Metro constructs the University Line, request Metro to remove the left turn storage lane and median opening on Richmond Avenue that currently serves Loretto Street and restore raised center esplanade including curbing, and replace dirt and grass to match adjacent sections of Richmond Avenue; (c) either (i) dedicate sufficient right-of-way for and construct a cul-de-sac per City standards at the new dead end of West Main Street at a location to be determined prior to the Loretto Street abandonment and sale; or (ii) dedicate sufficient right-of-way for and construct new pavement, curbs and sidewalk to extend West Main Street between Loretto Street and Graustark Street; neither the construction of a cul-de-sac nor the extension of West Main Street will result in a credit against the cost of the abandonment and sale; and (d) install a dead end warning sign for eastbound traffic on West Main Street at Mandell Street, if option (i) is selected. All of the foregoing requirements must be completed under the proper permits and at no cost to the City;
8. The applicant be required to prepare drawings that show all public utilities (sanitary sewer and water) and right-of-way (cul-de-sac or street extension) that are to be abandoned, relocated, and/or constructed as part of this project and submit drawings to the Office of the City Engineer for plan review and approval;
9. In the interest of expediting the abandonment and sale process, the applicant may choose to provide the City with a Letter of Credit (LOC), subject to the City's concurrence, covering the estimated construction cost for work required in Item 6 above in lieu of performing such work prior to finalization of the ordinance for this transaction. Should this option be selected, the applicant will be required to provide a LOC showing the City of Houston as beneficiary and in the amount of the estimated construction cost approved by the City. The LOC will be for a specific time period which may be less than but not longer than twelve months from the closing date of the real estate transaction. Upon the applicant's satisfactory completion of the construction-related work as evidenced by written inspection clearance/approval by the Office of the City Engineer, PWE, at the applicant's request the City will release the LOC; subject to further extensions listed in the final agreement;

10. The Legal Department be authorized to prepare the necessary transaction documents; and
11. Inasmuch as the value of the City's property interest is not expected to exceed \$1,000,000.00, that the value be established by Ronald P. Little and Joseph R. Stanfield, independent appraisers appointed by the Director of Public Works and Engineering.

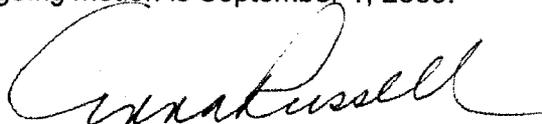
Seconded by Council Member Sullivan and carried.

Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Lovell and Green voting aye
Nays none
Council Members Clutterbuck, Holm and Noriega absent

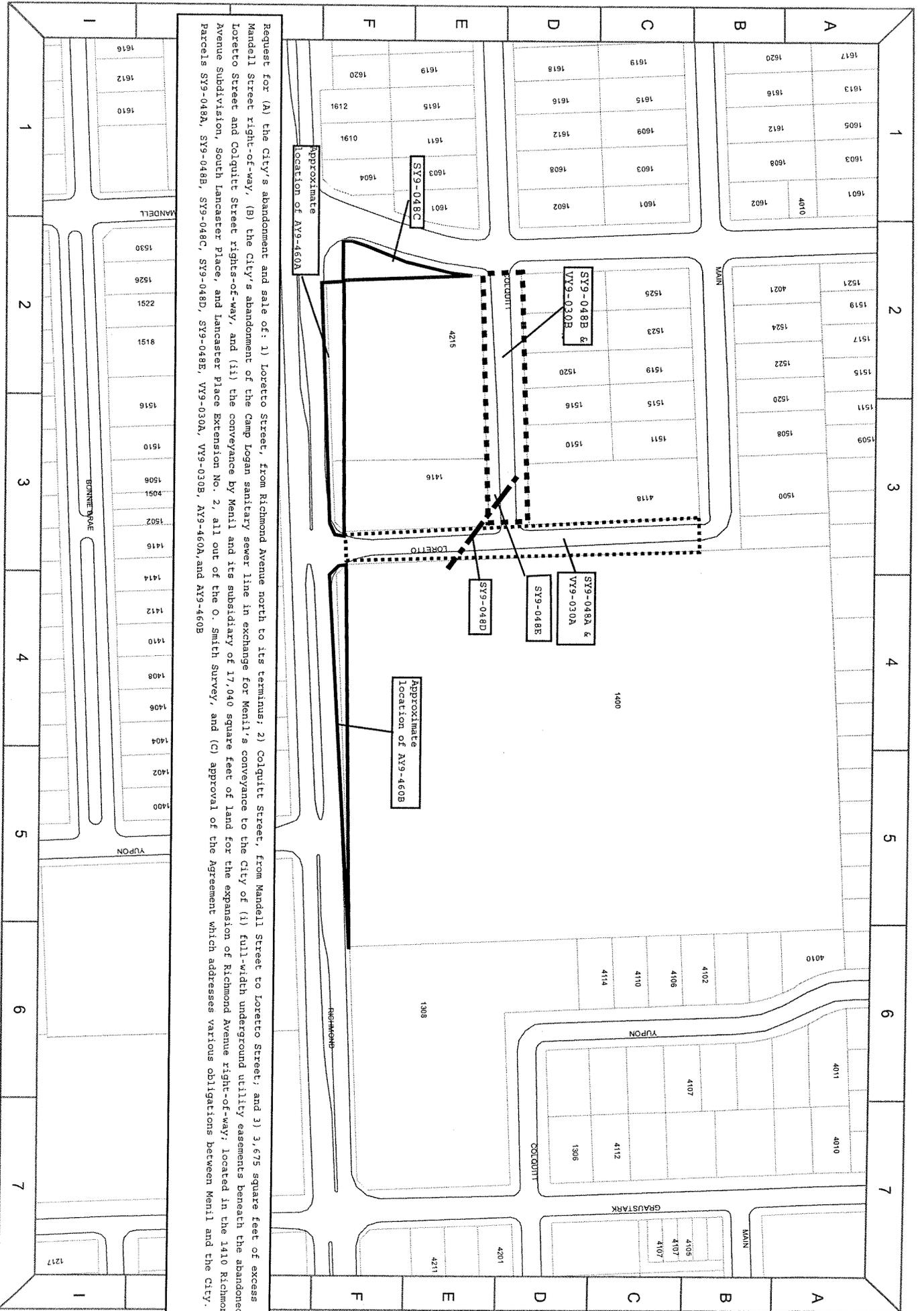
Council Member Jones absent on personal business

PASSED AND ADOPTED this 26th day of August 2009.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is September 1, 2009.



City Secretary



Request for (A) the City's abandonment and sale of: 1) Loreto Street, from Richmond Avenue north to its terminus; 2) Colquitt Street, from Mandell Street to Loreto Street; and 3) 3,675 square feet of excess Mandell Street right-of-way, (B) the City's abandonment of the Camp Logan sanitary sewer line in exchange for Menil's conveyance to the City of (i) full-width underground utility easements beneath the abandoned Loreto Street and Colquitt Street rights-of-way, and (ii) the conveyance by Menil and its subsidiary of 17,040 square feet of land for the expansion of Richmond Avenue right-of-way; located in the 1410 Richmond Avenue Subdivision, South Lancaster Place, and Lancaster Place Extension No. 2, all out of the O. Smith Survey, and (C) approval of the agreement which addresses various obligations between Menil and the City. Parcels SY9-048A, SY9-048B, SY9-048C, SY9-048D, SY9-048E, VY9-030A, VY9-030B, AV9-460A, and AV9-460B

1 inch equals 190 feet



CITY OF HOUSTON

Department of Public Works & Engineering
Geographic Information & Management System (GIMS)

DISCLAIMER: THIS MAP REPRESENTS THE BEST INFORMATION AVAILABLE TO THE CITY. THE CITY DOES NOT WARRANT ITS ACCURACY OR COMPLETENESS. FIELD VERIFICATIONS SHOULD BE DONE AS NECESSARY.

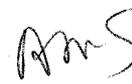


TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION**

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|---|-------------------|--------------------|---|
| SUBJECT: City's consent to the creation of Harris-Montgomery County Municipal Utility District No. 386 by amending Ordinance No. 2004-1170. (Key Map No. 250-N, P) | Category # | Page 1 of 1 | Agenda Item # <div style="text-align: right; font-size: 2em; font-weight: bold;">30</div> |
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| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date 12/3/09 | Agenda Date DEC 09 2009 |
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| DIRECTOR'S SIGNATURE  Michael S. Marcotte, P.E., D.WRE, BCEE | Council District affected: "ETJ" |
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| For additional information contact: Ann Marie Stone Sheridan, P.E. Supervising Engineer Phone: (713) 837-9142  | Date and identification of prior authorizing Council action: November 17, 2004; 2004-1170 |
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RECOMMENDATION: (Summary)
 The City consent to the creation of Harris County Municipal Utility District No. 386 by amending Ordinance No. 2004-1170 which consented to the addition of land to the District.

Amount of Funding:
 NONE REQUIRED

SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund
 Other (Specify)

SPECIFIC EXPLANATION:

Harris-Montgomery County Municipal Utility District No. 386 was created by the 77th Texas Legislature in 2001, and amended its creation to extend the time period for confirmation of the District in the 78st Texas Legislature in 2003. While the district has obtained the City's consent to add land to the district, it has not obtained official consent from the City for its creation. Therefore, the district requests that Ordinance No. 2004-1170, which is the first ordinance granting consent to add land to the district, be amended to include the city's consent to create the district.

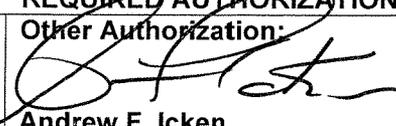
The district is located in the vicinity of FM 2920, Woodlands Parkway, FM 2978 and Gosling Road. The district originally consisted of 200 acres upon its creation, and currently yields 2,437.746 acres through a series of annexations. The district is served by the Harris County Municipal Utility District No. 387 Sewage Treatment Plant and The Woodlands Wastewater Treatment Plants Nos. 1,2 and 3. These regional facilities provide also provide service to The Woodlands Land Development Company, The Woodlands Municipal Utility District No. 2, Montgomery County Municipal Utility District Nos. 6, 7, 36, 39, 40, 46, 47, 60, 67, and The Woodlands Metro Center Municipal Utility District. The nearest major drainage facility for Harris County Municipal Utility District No. 386 is Spring Creek which flows into the San Jacinto River and finally into Lake Houston.

Potable water is provided by the district from Harris County Municipal Utility District No. 387 Water Plant No. 1 and Water Plants Nos. 1-5. The district has acknowledged that it will submit all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district for approval by the City of Houston prior to their construction.

The Department of Public Works recommends that the subject petition be approved.

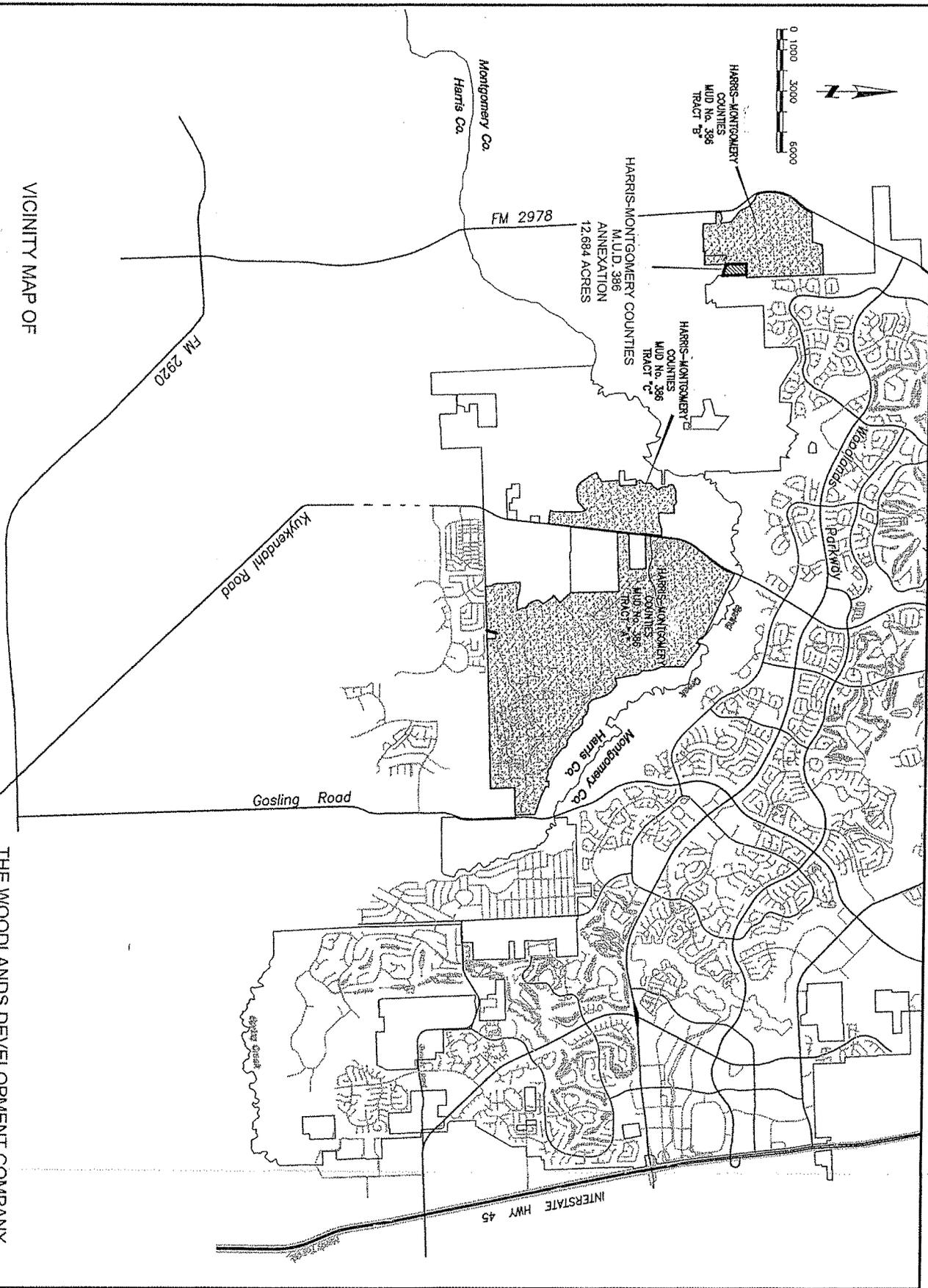
Attachments

cc: Marty Stein Marlene Gafrick Jun Chang Mark Loethen
 Bill Zrioka Waynette Chan Deborah McAbee Gary Drabek

| | | |
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| Finance Department | REQUIRED AUTHORIZATION Other Authorization:  Andrew F. Icken Deputy Director Planning & Development Services Div. | 20UPA29 Other Authorization: |
|---------------------------|---|---|

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VICINITY MAP OF

HARRIS-MONTGOMERY COUNTIES M.U.D. NO. 386

THE WOODLANDS DEVELOPMENT COMPANY

2201 Timberloch Place
 The Woodlands, Texas 77380
 Phone: (281) 719-6100
 Fax: (281) 719-6111

SCALE: 1"=6000'

DATE: 05/20/09

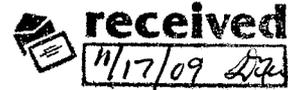
DRAWING No.: M386-ADD-009



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form



Application Accepted as Complete (to be completed by PW&E)

Application is hereby made for consent of the City of Houston to the creation / addition of _____
acres to Harris-Montg. Counties MUD 386 under the provisions of Chapters 49 and 54 Texas Water Code.

[Signature]

Attorney for the District

Attorney: Howard M. Cohen, Schwartz, Page & Harding, L.L.P.

Address: 1300 Post Oak Boulevard, Suite 1400, Houston Zip: 77056 Phone: 713-623-4531

Engineer: Chad Abram, Pate Engineers, Inc.

Address: 13333 Northwest Freeway, Suite 300 Zip: 77040 Phone: 713-462-3178

Owners: Richard Derr, The Woodlands Land Dev. Co., L.P.

Address: 2201 Timberloch Place, The Woodlands Zip: 77380 Phone: 281-719-6110

(If more than one owner, attach additional page. List all owners of property within the District)

LOCATION

INSIDE CITY OUTSIDE CITY NAME OF COUNTY (S) HARRIS AND MONTGOMERY
Survey William White Abstract A-829

Geographic Location: List only major streets, bayous or creeks:

North of: F.M. 2920 East of: F.M. 2978

South of: Woodlands Parkway West of: Gosling Road

WATER DISTRICT DATA

Total Acreage of District: 2,437.746 Existing Plus Proposed Land _____

Development Breakdown (Percentage) for tract being considered for annexation:

Single Family Residential 100% Multi-Family Residential 0%

Commercial 0% Industrial 0% Institutional 0%

Sewage generated by the District will be served by a : District Plant Regional Plant

Sewage Treatment Plant Name: Harris County MUD No. 387 Sewage Treatment Plant

NPDES/TPDES Permit No: N/A TCEQ Permit No: 14347-001



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 0.24

Ultimate Capacity (MGD): 3.0

Size of treatment plant site: 14 square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: N/A MGD.

If the treatment plant is to serve other Districts or properties (i.e. regional), please indicate total permitted capacity of the plant. List all Districts served, or to be served, within the plant and their allotted capacities

(If more than two Districts – attach additional page):

Total permitted capacity: 3.0

MGD of (Regional Plant).

Name of District: Harris-Montg. Co. MUD 386

MGD Capacity Allocation 593,775 GPD

or property owner(s)

Name of District: The Wood. Land. Dev. Co.

MGD Capacity Allocation 2,406,225 GPD

Water Treatment Plant Name: Harris Co. MUD No. 387 Water Plant No. 1

Water Treatment Plant Address: 25802-1/2 Kuykendahl Road, Tomball

Well Permit No: HGCSD Permit No. 112566

Existing Capacity:

Well(s): 3,200 GPM

Booster Pump(s): 1-500; 7-1,100 GPM

Tank(s): 1,500,000 gal MG

Ultimate Capacity:

Well(s): 4,200 GPM

Booster Pump(s): 13-1,100 GPM

Tank(s): 2,800,000 MG

Size of Treatment Plant Site: 9.9 ares ultimate 3 sites

square feet/acres.

Comments or Additional Information: See Addendum regarding property situated in Montgomery Co

**ADDENDUM TO
WATER DISTRICT CONSENT APPLICATION FORM**

Date: November 9, 2009
 District: Harris-Montgomery Counties Municipal Utility District No. 386
 Application: Consent to Creation

Survey Andrew Lawson Abstract A-509
James Brown A-78

Sewage generated by the District within Montgomery County is served by the following Regional Plants:

Sewage Treatment Plant Name: The Woodlands Wastewater Treatment Plant No. 1
N.P.D.E.S. Permit No.: TX0054186 **T.D.W.R. Permit No.:** 11401-001
Existing Capacity: 7.8MGD **Ultimate Capacity:** 7.8 MGD
Size of Treatment Plant Site: 10.5 Acres

Sewage Treatment Plant Name: The Woodlands Wastewater Treatment Plant No. 2
N.P.D.E.S. Permit No.: TX0091715 **T.D.W.R. Permit No.:** 12597-001
Existing Capacity: 6.0 MGD **Ultimate Capacity:** 7.8 MGD
Size of Treatment Plant Site: 24.50 Acres

Sewage Treatment Plant Name: The Woodlands Wastewater Treatment Plant No. 3
N.P.D.E.S. Permit No.: TX0063461 **T.D.W.R. Permit No.:** 11658-001
Existing Capacity: 0.900 MGD **Ultimate Capacity:** 0.900 MGD
Size of Treatment Plant: 3.69 Acres

| NAME OF DISTRICT OR PROPERTY OWNER(S) | MGD CAPACITY ALLOCATION |
|--|----------------------------|
| The Woodlands MUD # 2 | 0.088 MGD |
| Montgomery County MUD # 6 | 1.301 MGD |
| Montgomery County MUD # 7 | 1.277 MGD |
| Montgomery County MUD # 36 | 0.682 MGD |

| | |
|--------------------------------|-----------|
| Montgomery County MUD # 39 | 0.720 MGD |
| Montgomery County MUD # 40 | 0.841 MGD |
| Montgomery County MUD # 46 | 2.851 MGD |
| Montgomery County MUD # 47 | 2.690 MGD |
| Montgomery County MUD # 60 | 1.629 MGD |
| Montgomery County MUD # 67 | 1.904 MGD |
| The Woodlands Metro Center MUD | 2.348 MGD |
| Harris County MUD # 386 | 0.304 MGD |

Serving the District's property situated in Montgomery County only:

Water Plant Name: Water Plant No. 1

Water Plant Address: 11439 Slash Pine, The Woodlands

Water Plant Name: Water Plant No. 2

Water Plant Address: 6140 Shadow Bend Place, The Woodlands

Water Plant Name: Water Plant No. 3

Water Plant Address: 6698 Alden Bridge Drive, The Woodlands

Water Plant Name: Water Plant No. 4

Water Plant Address: 11904 W. Branch Crossing, The Woodlands

Water Plant Name: Water Plant No. 5

Water Plant Address: 17501 St. Lukes Way, Conroe

Well Permit Nos. N/A

Existing Capacity:

Well(s): 38,220 GPM

Booster Pump(s): 45,200 GPM

Tank(s): 13.0 MG

Ultimate Capacity:

Well(s): 42,990 GPM

Booster Pump(s): 58,450 GPM

Tank(s): 15.0 MG

Size of Treatment Plant Site: Water Plant No. 1: 2.417 Acres
Water Plant No. 2: 3.45 Acres
Water Plant No. 3: 4.688 Acres
Water Plant No. 4: 5.843 Acres
Water Plant No. 5: 4.057 Acres

TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION**

| | | | |
|--|-------------------|------------------------------|---------------------------------------|
| SUBJECT: City's consent to the creation of Harris County Municipal Utility District No. 387 by amending Ordinance No. 2006-489. (Key Map No. 251-N) | Category # | Page 1 of <u>1</u> | Agenda Item # 31 |
|--|-------------------|------------------------------|---------------------------------------|

| | | |
|--|------------------------------------|-----------------------------------|
| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date 12/3/09 | Agenda Date DEC 09 2009 |
|--|------------------------------------|-----------------------------------|

| | |
|---|--|
| DIRECTOR'S SIGNATURE <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., D.WRE, BCEE | Council District affected: "ETJ" |
|---|--|

| | |
|--|---|
| For additional information contact: Ann Marie Stone Sheridan, P.E. Supervising Engineer Phone: (713) 837-9142 | Date and identification of prior authorizing Council action: May 17, 2006; 2006-489 |
|--|---|

RECOMMENDATION: (Summary)
The City consent to the creation of Harris County Municipal Utility District No. 387 by amending Ordinance No. 2006-489 which consented to the addition of land to the District.

Amount of Funding:
NONE REQUIRED

SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund
 Other (Specify)

SPECIFIC EXPLANATION:

Harris County Municipal Utility District No. 387 was created by the 77th Texas Legislature in 2001, and amended its creation to extend the time period for confirmation of the District in the 2003, 78th Texas Legislature and then amended it again in the 2005, 79th Texas Legislature to repeal the requirement of the district to be confirmed by a specific date. While the district has obtained the City's consent to add land to the district, it has not obtained official consent from the City for its creation. Therefore, the district requests that Ordinance No. 2006-489, which is the first ordinance granting consent to add land to the district, be amended to include the city's consent to create the district.

The district is located in the vicinity of Rayford Road, Spring Creek and Kuykendahl Road. The district originally consisted of 200 acres upon its creation, and currently yields 24.8369 acres due to exclusions of land and an addition of land. The district is served by the Harris County Municipal Utility District No. 387 Sewage Treatment Plant. Other Districts served by this regional plant are Harris County Municipal Utility District No. 386 and The Woodlands Land Development Company, L.P. The nearest major drainage facility for Harris County Municipal Utility District No. 387 is Spring Creek which flows into the San Jacinto River and finally into Lake Houston.

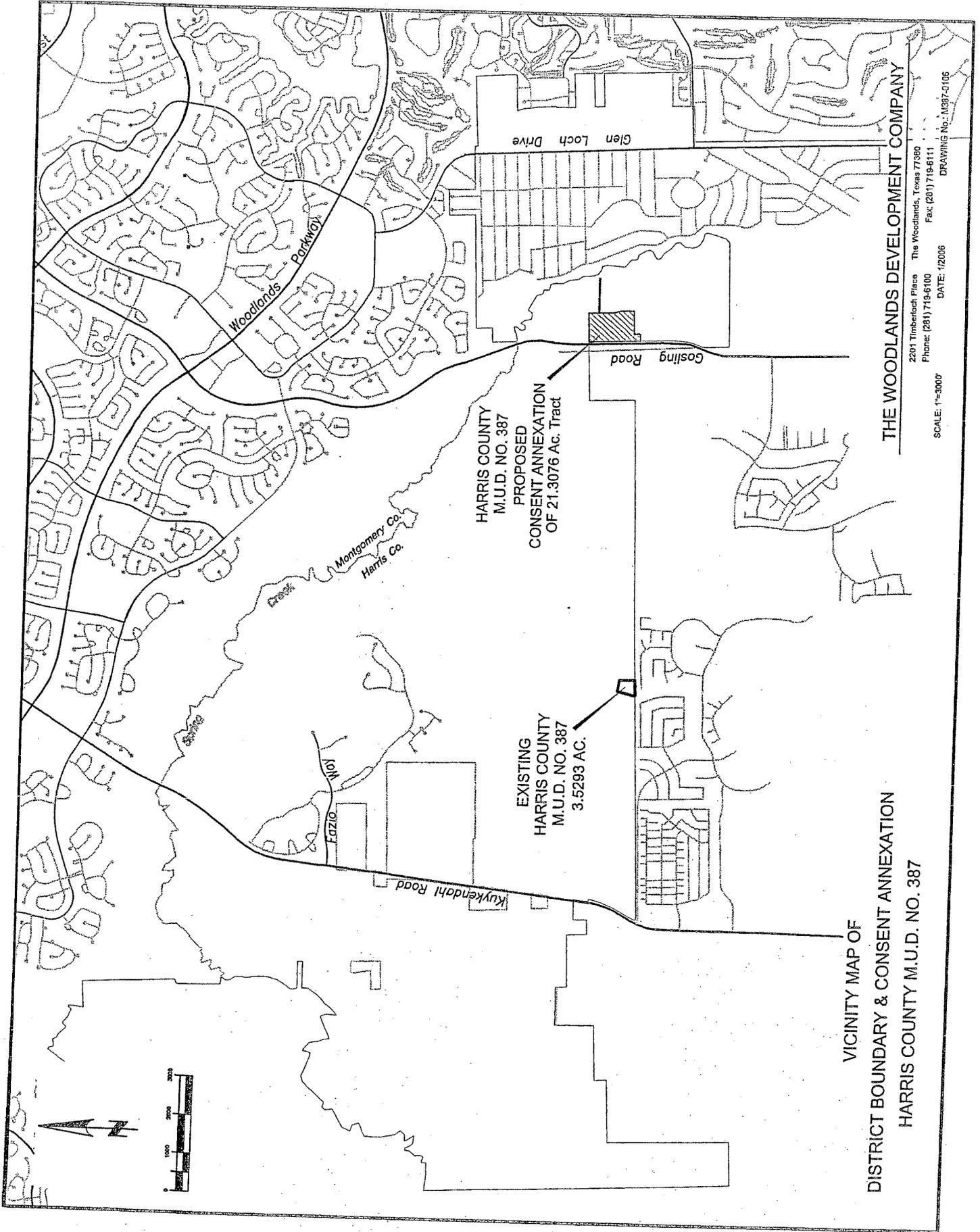
Potable water is provided by the district. The district has acknowledged that it will submit all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district for approval by the City of Houston prior to their construction.

The Department of Public Works recommends that the subject petition be approved.

Attachments

cc: Marty Stein Marlene Gafrick Jun Chang Mark Loethen
Bill Zrioka Waynette Chan Deborah McAbee Gary Drabek

| | | |
|---------------------------|---|-----------------------------|
| Finance Department | REQUIRED AUTHORIZATION | 20UPA33 |
| | Other Authorization: <i>Andrew F. Icken</i> Andrew F. Icken Deputy Director Planning & Development Services Div. | Other Authorization: |



VICINITY MAP OF
 DISTRICT BOUNDARY & CONSENT ANNEXATION
 HARRIS COUNTY M.U.D. NO. 387

THE WOODLANDS DEVELOPMENT COMPANY

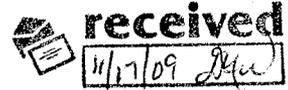
2201 Timberloch Place The Woodlands, Texas 77380
 Phone: (281) 719-6100 Fax: (281) 719-6111
 SCALE: 1"=3000' DATE: 1/2006 DRAWING No.: M387-0106



CITY OF HOUSTON

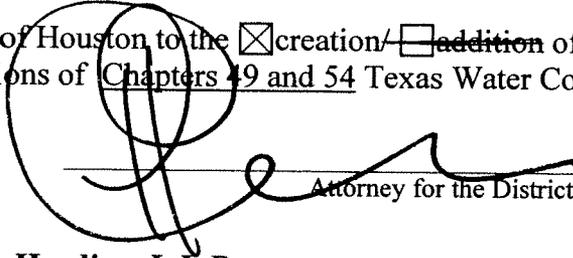


Department of Public Works and Engineering
Water District Consent Application Form



Application Accepted as Complete (to be completed by PW&E)

Application is hereby made for consent of the City of Houston to the creation / addition of _____
acres to Harris County MUD 387 under the provisions of Chapters 49 and 54 Texas Water Code.



Attorney for the District

Attorney: Howard M. Cohen, Schwartz, Page & Harding, L.L.P.

Address: 1300 Post Oak Boulevard, Suite 1400, Houston Zip: 77056 Phone: 713-623-4531

Engineer: Chad Abram, Pate Engineers, Inc.

Address: 13333 Northwest Freeway, Suite 300 Zip: 77040 Phone: 713-462-3178

Owners: Richard Derr, The Woodlands Land Dev. Co., L.P.

Address: 2201 Timberloch Place, The Woodlands Zip: 77380 Phone: 281-719-6110

(If more than one owner, attach additional page. List all owners of property within the District)

LOCATION

INSIDE CITY

OUTSIDE CITY

NAME OF COUNTY (S) HARRIS

Survey James Cooper

Abstract A-189

Geographic Location: List only major streets, bayous or creeks:

North of: Rayford Road

East of: Kuykendahl Road

South of: Spring Creek

West of: Spring Creek

WATER DISTRICT DATA

Total Acreage of District: 24.8369

Existing Plus Proposed Land _____

Development Breakdown (Percentage) for tract being considered for annexation:

Single Family Residential 1%

Multi-Family Residential 0%

Commercial 0%

Industrial 99%

Institutional 0%

Sewage generated by the District will be served by a : District Plant

Regional Plant

Sewage Treatment Plant Name: Harris County MUD No. 387 Sewage Treatment Plant

NPDES/TPDES Permit No: N/A

TCEQ Permit No: 14347-001



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

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Ultimate Capacity (MGD): 3.0

Size of treatment plant site: 14 square feet/acres.

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If the treatment plant is to serve other Districts or properties (i.e. regional), please indicate total permitted capacity of the plant. List all Districts served, or to be served, within the plant and their allotted capacities

(If more than two Districts – attach additional page):

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MGD of (Regional Plant).

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MGD Capacity Allocation 593,775 GPD

or property owner(s)

Name of District: The Wood. Land. Dev. Co.

MGD Capacity Allocation 2,406,225 GPD

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Well(s): 3,200 GPM

Booster Pump(s): 1-500; 7-1,100 GPM

Tank(s): 1,500,000 gal MG

Ultimate Capacity:

Well(s): 4,200 GPM

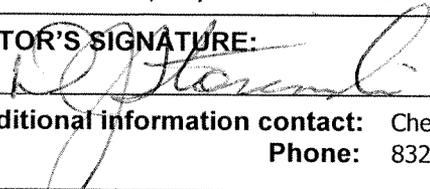
Booster Pump(s): 13-1,100 GPM

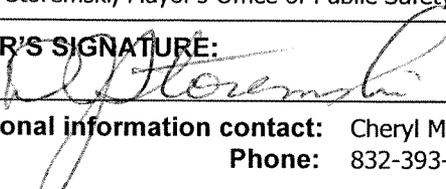
Tank(s): 2,800,000 MG

Size of Treatment Plant Site: 9 acres ultimate; 3 sites

square feet/acres.

Comments or Additional Information: _____

| | | | | |
|--|--|---|-----------------------------------|-----------------------------|
| SUBJECT: Regional Catastrophic Preparedness Grant Program, FY09 Grant Award | | Category | Page 1 of 1 | Agenda Item # 32 |
| FROM (Department or other point of origin): Dennis J. Storemski, Mayor's Office of Public Safety and Homeland Security | | Origination Date: 11/9/2009 | Agenda Date DEC 09 2009 | |
| DIRECTOR'S SIGNATURE:  | | Council District affected: All | | |
| For additional information contact: Cheryl Murray Phone: 832-393-0929 | | Date and Identification of prior authorizing Council action: | | |
| RECOMMENDATION: (Summary) Approval of an ordinance authorizing execution a sub-recipient agreement with the Texas Division of Emergency Management (TDEM) to accept FY09 Regional Catastrophic Preparedness Grant Program funding. | | | | |
| Amount of Funding: \$3,617,000 | | FIN Budget: | | |
| SOURCE OF FUNDING: [X] Grant Funds: \$3,617,000 Texas Division of Emergency Management (pass-through from DHS) | | | | |
| SPECIFIC EXPLANATION: Beginning in 2008, the U.S. Department of Homeland Security awarded ten major urban areas around the country grants to engage in regional preparedness planning for specific catastrophic-level events. The regions were selected based upon risk and potential impact on the nation's collective security and resilience. Funds are intended to be used to: <ol style="list-style-type: none">1. Fix shortcomings in existing plans2. Build regional planning processes and planning communities, and3. Link operational and capabilities-based planning for resource allocation. <p>With our initial award of \$6 million, our planning efforts have focused on two catastrophic scenarios – a Category 5 hurricane and a multi-IED incident. With the second year of funding, we will continue refining plans developed with FY07/08 funding, expand community preparedness efforts, and focus on a catastrophic pandemic influenza scenario.</p> REGIONAL CATASTROPHIC PLANNING TEAM Pursuant to grant requirements, we have convened a Regional Catastrophic Planning Team comprised of public and private sector representatives. The group includes the direct or indirect representation of jurisdictions across the 13-county H-GAC region and all applicable disciplines (police, fire, EMS, public health, emergency management, etc.). <p>To ensure that our plans achieve not only horizontal integration across disciplines and jurisdictions within our region but also vertical integration with other levels of government, the team is supplemented with state and federal partners. An extensive contingent of subject matter experts, planners and other staff support are also engaged in this broad initiative. School districts, nonprofit agencies, 9-1-1 public safety answering points, and other entities are being engaged in this planning effort.</p> MATCH REQUIREMENT The grant requires a 25% local cash or in-kind match, which totals \$1,205,667. Houston joined other grant recipients to lobby DHS to waiver or lower this non-statutory match requirement based on the economic constraints facing local governments. We are encouraged by recent dialogue with DHS that the match requirement may be lowered to 10%. Regardless of the decision DHS makes, staff remain confident that we can meet this match requirement through in-kind contributions of staff time and donated media time and space (radio, TV, newspaper and billboard) in support of the region's public preparedness messaging. | | | | |
| REQUIRED AUTHORIZATION | | | | |
| FIN Director: | | Other Authorization: | | Other Authorization: |

| | | | | |
|---|-----------------------------|---|-----------------------------------|----------------------------|
| SUBJECT: FY2009 Homeland Security Grant Program Sub-recipient Agreement | | Category | Page 1 of 1 | Agenda Item # 33 |
| FROM (Department or other point of origin): Dennis J. Storemski, Mayor's Office of Public Safety and Homeland Security | | Origination Date: 11/9/2009 | Agenda Date DEC 09 2009 | |
| DIRECTOR'S SIGNATURE:  | | Council District affected: All | | |
| For additional information contact: Cheryl Murray Phone: 832-393-0929 | | Date and Identification of prior authorizing Council action: | | |
| RECOMMENDATION: (Summary) | | Approval of an ordinance authorizing execution a sub-recipient agreement with the Texas Division of Emergency Management (TDEM) to accept FY2009 Homeland Security Grant Program funding. | | |
| Amount of Funding: | \$17,101,370.00 | FIN Budget: | | |
| SOURCE OF FUNDING: [] General Fund [X] Grant Funds: \$17,101,370 Texas Division of Emergency Management (pass-through from DHS) | | | | |
| SPECIFIC EXPLANATION: | | | | |
| <p>The U.S. Department of Homeland Security provides grants to enhance the capacity of state and local governments to respond to incidents of terrorism and natural disasters through coordinated planning, equipment, training, and exercises. In Texas, the agency that manages and administers these programs is the Texas Division of Emergency Management (TDEM), which has forwarded the City of Houston's FY09 grant award in a sub-recipient agreement.</p> <p>FY2009 ALLOCATIONS</p> <p>Houston's sub-recipient agreement is comprised of several component programs as follows:</p> <ul style="list-style-type: none"> Urban Area Security Initiative (\$16,190,149) – The UASI program addresses the unique planning, equipment, training and exercise needs of high risk urban areas with funding to develop an enhanced and sustainable capacity to prevent, respond to and recover from threats or acts of terrorism. <p>Local allocations of UASI funds are governed by an executive committee that includes representation from the City of Houston and Harris, Fort Bend and Montgomery counties. This FY09 allocation represents a 12% increase over the City's FY2008 allocation. The most significant investment of the FY2009 funds includes approximately \$9 million for Houston's 700 MHz radio system.</p> <ul style="list-style-type: none"> State Homeland Security Program (\$590,000) – SHSP supports the implementation of strategies to address the planning, equipment, training and exercise priorities of state and local governments. The State of Texas allocates these funds by formula to the state's 24 councils of government where local project requests are prioritized. Locally, allocation recommendations are made by H-GAC's Regional Homeland Security Coordinating Council and approved by the full H-GAC board. Metropolitan Medical Response System (\$321,221) – The MMRS program helps to enhance and sustain integrated, systematic mass casualty incident preparedness. Grant funds are distributed evenly to 124 eligible jurisdictions in the nation, and Houston is one of 13 Texas cities funded through this grant program. The funding supports a planner in the Office of Emergency Management, as well as a number of planning activities. <p>RECOMMENDATION</p> <p>It is recommended that Council authorize the director of the Mayor's Office of Public Safety and Homeland Security to execute this sub-recipient agreement, and to request and/or accept any amendments/modifications to this agreement or any subsequent agreements necessary to secure Houston's allocations through these grant programs.</p> | | | | |
| REQUIRED AUTHORIZATION | | | | |
| FIN Director: | Other Authorization: | Other Authorization: | | |

REQUEST FOR COUNCIL ACTION

| | | | | |
|---|--|---|-----------------------------------|---|
| SUBJECT: Ordinance rescheduling City Council Meetings for the period January 2, 2010 through December 31, 2010 | | Category # | Page 1 of 1 | Agenda Item 34 |
| FROM (Department or other point of origin): Mayor's Agenda Office | | Origination Date December 2, 2009 | Agenda Date DEC 09 2009 | |
| DIRECTOR'S SIGNATURE: Marta L. Stein | | Council District affected: All | | |
| For additional information contact: Marty Stein, Agenda Director 832-393-1095 | | Date and identification of prior authorizing Council action: | | |
| RECOMMENDATION: (Summary) Adopt ordinance establishing exceptions to City Council's regular meeting schedule for the period January 2, 2010 through December 31, 2010 | | | | |
| Amount and Source of Funding: N/A | | | Finance Budget: | |
| SPECIFIC EXPLANATION: City Council regularly meets weekly in two sessions, one on Tuesday afternoon and one on Wednesday morning, unless Council adopts specific exceptions to the schedule. Proposed exceptions include consolidated (one-day) meetings during weeks with City holidays or special events, and six break weeks during which Council will not meet. Unless otherwise noted, all meetings begin at 9:00 a.m. | | | | |
| <u>Consolidated/Special Meetings:</u> | | | | |
| Monday, January 4, 2010 - 11 a.m. | Charter-required meeting following Inauguration | | | |
| Wednesday, January 20, 2010 | Martin Luther King, Jr. holiday | | | |
| Wednesday, June 2, 2010 | Memorial Day holiday | | | |
| Wednesday, July 7, 2010 | Independence Day holiday | | | |
| Wednesday, November 3, 2010 | Election Day | | | |
| Tuesday, November 9, 2010 | Veterans Day holiday | | | |
| <u>No Council Meetings (postponed to following week):</u> | | | | |
| Week of March 15-19, 2010 | Spring Office Work Week | | | |
| Week of May 24-28, 2010 | Budget Review Week | | | |
| Week of July 19-23, 2010 | Summer Office Work Week | | | |
| Week of September 6-10, 2010 | Fall Office Work Week (includes Labor Day holiday) | | | |
| Week of November 22-26, 2010 | Thanksgiving Holiday | | | |
| Week of December 27-31, 2010 | Winter Holiday Week | | | |
| REQUIRED AUTHORIZATION | | | | |
| Other Authorization: | Other Authorization: | Other Authorization: | | |

| | | |
|--|-----------------------|-----------------------------------|
| SUBJECT: Approve an ordinance authorizing a contract with TexHealth Harris County to support the purchase of health benefit plans for the uninsured; including the appropriation of funds accumulated in the Contractor Responsibility Fund under the Pay or Play Program through June 30, 2010 | Page 1 of 2 | Agenda Item # <i>35</i> |
|--|-----------------------|-----------------------------------|

| | | |
|---|---|-----------------------------------|
| FROM (Department or other point of origin): Mayor's Office of Health and Environmental Policy | Origination Date December 4, 2009 | Agenda Date DEC 09 2009 |
|---|---|-----------------------------------|

| | |
|---|-----------------------------------|
| MS DIRECTOR'S SIGNATURE: <i>Elena Marks</i> | Council District affected: |
|---|-----------------------------------|

| | |
|--|---|
| For additional information contact: Elena Marks – 832.393.1081 | Date and identification of prior authorizing Council action: |
|--|---|

RECOMMENDATION: (Summary)
Approve an ordinance authorizing a contract with TexHealth Harris County and appropriate funds accumulated in the Contractor Responsibility Fund through June 30, 2010

Amount and Source of Funding: Contractor Responsibility Fund

SPECIFIC EXPLANATION: This contract enables the release of funds accumulated in the Contractor Responsibility Fund under the Pay or Play Program to support the purchase of health benefit plans for the uninsured. The Contractor Responsibility Fund holds the monies contributed by city contractors who participate in the Pay or Play program by paying into this fund in lieu of providing health benefits to their full time employees who work on city contracts. As of November 30, 2009, the Fund held \$828,572.63. Under the proposed contract, \$750,000 will be disbursed immediately to TexHealth Harris County, a subsidiary of the Harris County Healthcare Alliance, a nonprofit membership organization of which the City is a member. Additional monies accumulated in the Fund will be distributed to TexHealth on January 31, April 30, and July 31, 2010. TexHealth will use the City's funds exclusively to provide a subsidy to income eligible (under 300% of the federal poverty guidelines) employees of small businesses who purchase health benefit plans through TexHealth's 3-Share Program. A 3-Share Program is a plan through which employers can provide health benefits to their employees at reasonable rates beginning as low as \$100 per member per month. The monthly premium is paid in part by the employer, in part by the employee, and for lower income employees, a third share is paid by a subsidy fund. TexHealth's subsidy fund currently includes commitments from the state and the hospital district totaling \$3.6 million. The addition of the City's monies, which are anticipated to be \$1.5 million through the end of this contract/fiscal year, and an additional \$700,000 which is being raised from private sources, will enable TexHealth to provide two years of subsidies for approximately 5,600 people. By investing the Contractor Responsibility Fund in a 3-Share Program, we are leveraging the value of our dollars. Each dollar we contribute to the subsidy fund will be matched by \$2 additional dollars. A study on the economic impact of 3-Share Programs in Texas concludes that each subsidy dollar invested in a 3-Share Program results in significant economic benefits to the participating community. Per the contract terms, TexHealth will account to the City on a quarterly basis regarding the use of the funds and the City's continued payments under the contract will be based upon our receiving proper documentation on the use of funds already expended and the plans for the use of the additional funds.

ACTION RECOMMENDED: Approved Contract with TexHealth Harris County and the disbursement of funds accumulated in the Contractor Responsibility Fund.

REQUIRED AUTHORIZATION

| | | |
|----------------------------|-----------------------------|-----------------------------|
| Finance Department: | Other Authorization: | Other Authorization: |
|----------------------------|-----------------------------|-----------------------------|

| | | | |
|--------------|-----------------|------------------------------|--------------------|
| Date: | Subject: | Originator's Initials | Page 2 of 2 |
|--------------|-----------------|------------------------------|--------------------|

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Approve the Fiscal Year 2010 Operating Budget for the OST/Alameda Corridors Redevelopment Authority and the FY2010-FY2014 CIP Budget (Tax Increment Reinvestment Zone Number Seven).

Category #

Page 1 of 1

Agenda Item#

36

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date

12/3/09

Agenda Date

DEC 09 2009

DIRECTOR'S SIGNATURE:

Michelle Mitchell

Council Districts affected:
D, I

For additional information contact:

Ralph De Leon
Tim Douglass

Phone: (713) 837-9573
Phone: (713) 837-9857

Date and identification of prior authorizing Council Action:
Ord. 2008-0420, 05/14/08

RECOMMENDATION: (Summary)

City Council to approve the Fiscal Year 2010 Operating Budget for the OST/Alameda Corridors Redevelopment Authority and the 2010-2014 CIP Budget (Tax Increment Reinvestment Zone Number Seven).

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING:

[] General Fund [] Grant Fund [] Enterprise Fund
[x] Other (Specify)

SPECIFIC EXPLANATION:

The administration has undertaken a comprehensive review of proposed FY10 TIRZ budgets. The Finance Department recommends approval of the FY10 Operating Budget and the approval of the 2010-2014 CIP for Tax Increment Reinvestment Zone Number Seven (OST/Alameda Corridors).

- Total Operating Budget for FY10 is \$24,857,193, which includes \$1,640,022 for required fund transfers and \$23,217,171 for Project Costs.
- The 2010-2014 CIP for the Zone totals \$36,509,279. The CIP includes provisions for the development of Emancipation Park, the reconstruction of Dowling and Holman Streets, and the design and construction of a public library at Griggs Road.
- The FY10 Operating budget includes \$21,889,272 for capital expenditures and \$354,559 for administration and overhead. The Zone must advise the Director of any budget amendments. Adjustments to the Project Cost in the budget of the lesser of \$400,000 or 5% or more require City Council Approval
- The budget includes a municipal services payment to the City of Houston in FY10 of \$473,000 to pay the General Fund for the incremental cost of providing services to the area.

Attachments: TIRZ Profile, FY10 Operating Budget, and FY2010-2014 CIP Budget

cc: Marty Stein, Agenda Director
Anna Russell, City Secretary
Arturo Michel, City Attorney
Deborah McAbee, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

[Signature]

**CITY OF HOUSTON
DEPARTMENT OF FINANCE
ECONOMIC DEVELOPMENT DIVISION
FISCAL YEAR 2010 BUDGET PROFILE
FOR TIRZ ADMINISTRATORS**

Fund Summary
Fund Name: **OST/Almeda Redevelopment Authority**
TIRZ: **07**
Fund Number: **7555/64**

| | | | |
|--|--|----|-----------------|
| P R O F I L E | Base Year: | | 1997 |
| | Base Year Taxable Value: | \$ | 177,401,740 |
| | Projected Taxable Value (TY2009): | \$ | 998,747,320 |
| | Current Taxable Value (TY2008): | \$ | 904,968,809 |
| | Acres: | | 1728.91 acres |
| | Administrator (Contact): | | Theola Petteway |
| | Contact Number: | | 713-522-5154 |

Zone Purpose:

The purpose of Old Spanish Trail/Almeda Corridors TIRZ is to provide a financing mechanism to encourage investment and stimulate commercial, industrial and residential development in key corridors and adjacent neighborhoods.

Accomplishments in FY09 (Projects Underway):

In fiscal year 2009, the OST/Almeda TIRZ accomplished the following:

- Constructed a new Park at Palm Center;
- Redeveloped Peggy Park on Almeda between Wheeler & Cleburne;
- Installed new ADA compliant sidewalks, ramps and driveways along streets that intersect Old Spanish Trail;
- Construction is underway for new sanitary sewers, storm sewers, streets and sidewalks in the Dixie Drive area: Bowling Green, Allegheny, Kelton and Natchez;
- Completed Emancipation Park Visioning Process and Visioning Report & Rendering was prepared by Project for Public Spaces;
- Contracted a project design team currently preparing the Preliminary Design of Historic Dowling Street Reconstruction ;
- Contracted a project design team currently preparing the Preliminary Design of Historic Holman Street Reconstruction;
- Finalizing design and construction of new ADA compliant sidewalks, ramps in the Griggs Road corridor;

| | Total Plan | Cumulative Expenses (to FY09) | | Variance |
|--|-----------------------|-------------------------------|-----------------------|----------|
| | | | | |
| Capital Projects: | | | | |
| Public Utilities | \$ 30,500,000 | \$ 1,828,644 | \$ 28,671,356 | |
| Roadways, Streets, Sidewalks, Lighting, ROW, Acquisition | 50,748,913 | 9,481,931 | 41,266,982 | |
| Parks and Recreational Facilities | 10,000,000 | 2,966,382 | 7,033,618 | |
| Public Facility Improvements | 6,000,000 | | 6,000,000 | |
| Braes Bayou - HCFCO Projects | 10,000,000 | | 10,000,000 | |
| Land Assembly, Site Preparation, Environmental Remediation | 9,500,000 | 3,339,807 | 6,160,193 | |
| Business Development & Loss Mitigation Catalyst Projects | 5,000,000 | | 5,000,000 | |
| Total Capital Projects | \$ 121,748,913 | \$ 17,616,764 | \$ 104,132,149 | |
| Affordable Housing | 3,500,000 | | 3,500,000 | |
| Education Facilities | 26,260,451 | 5,329,577 | 20,930,874 | |
| Financing Costs | 8,924,294 | 3,179,384 | 5,744,910 | |
| Administration Costs | 6,958,035 | 3,551,343 | 3,406,692 | |
| Creation Costs | - | | - | |
| Total Project Plan | \$ 167,391,693 | \$ 29,677,068 | \$ 137,714,625 | |

| | Additional Financial Data | | |
|---|------------------------------|------------------------------|------------------------------|
| | FY 2009 Budget | 2009 Actual | FY 2010 Budget |
| Debt Service | | | |
| Principal | \$ 665,470 | \$ 665,470 | \$ 665,215 |
| Interest | \$ 360,000 | \$ 360,000 | \$ 375,000 |
| | \$ 305,470 | \$ 305,470 | \$ 290,215 |
| Year End Outstanding (Principal) | | | |
| | Balance as of 6/30/08 | Balance as of 6/30/09 | Balance as of 6/30/10 |
| Bond Debt | \$ 6,585,000 | \$ 6,225,000 | \$ 5,850,000 |
| Bank Loan | \$ - | \$ - | \$ 10,785,000 |
| Developer Agreement | \$ - | \$ - | \$ - |
| Other | \$ - | \$ - | \$ - |

CITY OF HOUSTON
DEPARTMENT OF FINANCE
ECONOMIC DEVELOPMENT DIVISION
FISCAL YEAR 2010 BUDGET SUMMARY
FOR TIRZ ADMINISTRATORS

Fund Summary
Fund Name: OST/Almeda Redevelopment Authority
TIRZ: 07
Fund Number: 7555/64

| TIRZ Budget Line Items | FY2009 Budget | 2009 Actual | FY2010 Budget |
|---|----------------------|----------------------|----------------------|
| Available Resources | | | |
| Beginning Fund Balance | | | |
| Restricted Funds - Capital Projects | \$ - | \$ - | \$ - |
| Restricted Funds - Affd. Housing | \$ - | \$ - | \$ - |
| Restricted Funds - Bond Reserve | \$ 1,335,145 | \$ 1,279,936 | \$ 1,279,936 |
| Unrestricted Fund Balance | \$ 9,150,530 | \$ 13,864,594 | \$ 13,017,290 |
| Total Beginning Fund Balance | \$ 10,485,675 | \$ 15,144,530 | \$ 14,297,226 |
| TIRZ Revenue | | | |
| City | \$ 4,016,356 | \$ 4,160,397 | \$ 4,530,384 |
| ISD | \$ 2,305,131 | \$ 1,459,487 | \$ 1,377,883 |
| County | \$ 2,475,009 | \$ - | \$ - |
| Community College | \$ - | \$ - | \$ - |
| Total Revenues | \$ 8,796,496 | \$ 5,619,884 | \$ 5,908,267 |
| Bond Proceeds | \$ - | \$ - | \$ - |
| Loan Proceeds | \$ - | \$ - | \$ 10,785,000 |
| Grant Proceeds | \$ 3,512,502 | \$ 15,997 | \$ 1,861,502 |
| Other | \$ 400,000 | \$ 272,624 | \$ 689,162 |
| Total Available Resources | \$ 23,194,672 | \$ 21,053,035 | \$ 33,541,156 |
| Fund Transfers | | | |
| Affordable Housing | | | |
| City of Houston | \$ - | \$ - | \$ - |
| ISD Increment to Houston | \$ - | \$ - | \$ - |
| Harris County | \$ - | \$ - | \$ - |
| ISD Education Set-Aside | \$ 939,127 | \$ 633,080 | \$ 615,503 |
| Municipal Services | \$ 370,000 | \$ 220,000 | \$ 773,000 |
| Administration Fee to General Fund | \$ - | \$ - | \$ - |
| COH Admin Fee (5%) | \$ 200,818 | \$ 208,019 | \$ 226,519 |
| Harris County Admin | \$ 123,750 | \$ - | \$ - |
| ISD Admin | \$ 25,000 | \$ 25,000 | \$ 25,000 |
| Total Fund Transfers | \$ 1,658,695 | \$ 1,086,099 | \$ 1,640,022 |
| Funds Available for Projects | | | |
| | \$ 21,535,977 | \$ 19,966,936 | \$ 31,901,134 |
| Project Costs | | | |
| Administrative Staff | \$ 212,264 | \$ 185,932 | \$ 239,822 |
| Administrative Consultant | \$ - | \$ - | \$ - |
| Legal | \$ 35,000 | \$ 21,129 | \$ 35,000 |
| Accounting/ Audit | \$ 27,500 | \$ 23,551 | \$ 30,350 |
| Program / Project Consulting | \$ 6,000 | \$ 56,239 | \$ - |
| Administrative Operating Expense | \$ 96,210 | \$ 80,070 | \$ 87,887 |
| Capital Expenditures | \$ 13,379,281 | \$ 4,634,637 | \$ 21,889,272 |
| Developer/ Project reimbursements | \$ 1,600,000 | \$ 2,683 | \$ - |
| Debt Service | | | |
| Principal | \$ 360,000 | \$ 360,000 | \$ 375,000 |
| Interest | \$ 305,470 | \$ 305,470 | \$ 290,215 |
| Other debt items | \$ - | \$ - | \$ 269,625 |
| Total Project Costs | \$ 16,021,725 | \$ 5,669,711 | \$ 23,217,171 |
| Total Budget | \$ 17,680,420 | \$ 6,755,810 | \$ 24,857,193 |
| Resources Less Transfer and Expenses | \$ 5,514,253 | \$ 14,297,226 | \$ 8,683,963 |
| Planned Ending Fund Balance: | | | |
| Restricted Funds - Capital Projects | \$ - | \$ - | \$ 3,761,581 |
| Restricted Funds - Affd. Housing | \$ - | \$ - | \$ - |
| Restricted Funds - Bond Reserve | \$ 1,335,145 | \$ 1,279,936 | \$ 1,279,936 |
| Unrestricted Fund Balance | \$ 4,179,108 | \$ 13,017,290 | \$ 3,642,446 |

**CITY OF HOUSTON
DEPARTMENT OF FINANCE
ECONOMIC DEVELOPMENT DIVISION
FISCAL YEAR 2010 BUDGET DETAIL
FOR TIRZ ADMINISTRATORS**

Fund Summary
Fund Name: **OST/Almeda Redevelopment Authority**
TIRZ: **07**
Fund Number: **7555/64**

| TIRZ Budget Line Items | FY2009 Budget | 2009 Actual | FY2010 Budget |
|---|----------------------|----------------------|----------------------|
| RESOURCES | | | |
| RESTRICTED Funds - Capital Projects | \$ - | \$ - | \$ - |
| RESTRICTED Funds - Affordable Housing | \$ - | \$ - | \$ - |
| RESTRICTED Funds - Bond Debt Service | \$ 1,335,145 | \$ 1,279,936 | \$ 1,279,936 |
| UNRESTRICTED Funds | \$ 9,150,530 | \$ 13,864,594 | \$ 13,017,290 |
| Beginning Fund Balance | \$ 10,485,675 | \$ 15,144,530 | \$ 14,297,226 |
| City tax revenue (3) | \$ 4,016,356 | \$ 4,160,397 | \$ 4,530,384 |
| ISD tax revenue | \$ 2,305,131 | \$ 1,459,487 | \$ 1,377,883 |
| County tax revenue | \$ 2,475,009 | | |
| Community College tax revenue | \$ - | \$ - | \$ - |
| Incremental property tax revenue | \$ 8,796,496 | \$ 5,619,884 | \$ 5,908,267 |
| COH TIRZ Interest | | \$ 117,658 | \$ 27,684 |
| Miscellaneous revenue | \$ - | \$ 117,658 | \$ 27,684 |
| Interest Income | \$ 400,000 | \$ 154,966 | \$ 61,478 |
| Other Interest Income | \$ 400,000 | \$ 154,966 | \$ 61,478 |
| Developer Advances | \$ - | \$ - | \$ 600,000 |
| STEP Grant/Federal Fund | \$ 3,497,502 | \$ - | \$ 1,861,502 |
| Trees for Houston | \$ 15,000 | \$ 15,997 | \$ - |
| Grant Proceeds | \$ 3,512,502 | \$ 15,997 | \$ 1,861,502 |
| Special assessment bond proceeds | \$ - | \$ - | \$ - |
| Line of Credit | | | \$ 10,785,000 |
| Proceeds from bank loan | \$ - | \$ - | \$ 10,785,000 |
| TOTAL AVAILABLE RESOURCES | \$ 23,194,672 | \$ 21,053,035 | \$ 33,541,156 |

CITY OF HOUSTON
DEPARTMENT OF FINANCE
ECONOMIC DEVELOPMENT DIVISION
FISCAL YEAR 2010 BUDGET DETAIL
FOR TIRZ ADMINISTRATORS

Fund Summary
Fund Name: OST/Almeda Redevelopment Authority
TIRZ: 07
Fund Number: 7555/64

| TIRZ Budget Line Items | FY2009 Budget | 2009 Actual | FY2010 Budget |
|--|----------------------|---------------------|----------------------|
| EXPENSES | | | |
| Accounting | \$ 15,000 | \$ 12,551 | \$ 15,350 |
| Administration Consultant | \$ - | \$ - | \$ - |
| Administration Salaries & Benefits | \$ 212,264 | \$ 185,932 | \$ 239,822 |
| Auditor | \$ 6,000 | \$ 7,500 | \$ 8,000 |
| Bond Services/Trustee | \$ 3,710 | \$ 3,710 | \$ 3,710 |
| Financial Advisor | \$ 3,500 | \$ 3,500 | \$ 3,500 |
| Insurance | \$ 10,000 | \$ 2,779 | \$ 5,000 |
| Office Expenses | \$ 68,500 | \$ 65,873 | \$ 69,177 |
| Property Account Management | \$ 14,000 | \$ 7,708 | \$ 10,000 |
| TIRZ Administration and Overhead | \$ 332,974 | \$ 289,553 | \$ 354,559 |
| Engineering Consultants | \$ 6,000 | \$ - | \$ - |
| Legal | \$ 35,000 | \$ 21,129 | \$ 35,000 |
| Construction Audit | \$ 3,000 | \$ - | \$ 3,500 |
| Infrastructure, Economic and Other Studies | \$ - | \$ 56,239 | \$ - |
| Program and Project Consultants | \$ 44,000 | \$ 77,368 | \$ 38,500 |
| Management consulting services | \$ 376,974 | \$ 366,921 | \$ 393,059 |
| Capital Expenditures (See CIP Schedule) | \$ 13,379,281 | \$ 4,634,637 | \$ 21,889,272 |
| TIRZ Capital Expenditures | \$ 13,379,281 | \$ 4,634,637 | \$ 21,889,272 |
| Misc Development Agreements | \$ 1,600,000 | \$ 2,683 | \$ - |
| Developer / Project Reimbursements | \$ 1,600,000 | \$ 2,683 | \$ - |
| Bond Debt Service | | | |
| Principal - Infrastructure | \$ 360,000 | \$ 360,000 | \$ 375,000 |
| Interest - Infrastructure | \$ 305,470 | \$ 305,470 | \$ 290,215 |
| Bond Debt Service Series 2010 | | | |
| Principal - Infrastructure | \$ - | \$ - | \$ - |
| Interest - Infrastructure | \$ - | \$ - | \$ - |
| Loan debt service (Line of Credit) | | | |
| Principal | | | \$ - |
| Interest | | | \$ - |
| Debt Reserve Fund Deposit | | | \$ - |
| Cost of Issuance | | | \$ 269,625 |
| System debt service | \$ 665,470 | \$ 665,470 | \$ 934,840 |
| TOTAL PROJECT COSTS | \$ 16,021,725 | \$ 5,669,711 | \$ 23,217,171 |

CITY OF HOUSTON
DEPARTMENT OF FINANCE
ECONOMIC DEVELOPMENT DIVISION
FISCAL YEAR 2010 BUDGET DETAIL
FOR TIRZ ADMINISTRATORS

Fund Summary
Fund Name: **OST/Almeda Redevelopment Authority**
TIRZ: **07**
Fund Number: **7555/64**

| TIRZ Budget Line Items | FY2009 Budget | 2009 Actual | FY2010 Budget |
|--|----------------------|----------------------|----------------------|
| Payment/transfer to ISD - educational facilities | \$ 939,127 | \$ 633,080 | \$ 615,503 |
| Administration Fees: | | | |
| City | \$ 200,818 | \$ 208,019 | \$ 226,519 |
| County | \$ 123,750 | \$ - | \$ - |
| ISD | \$ 25,000 | \$ 25,000 | \$ 25,000 |
| Affordable Housing: | | | |
| City | | | |
| ISD to City of Houston | | | |
| Transfer to Harris County | | | |
| Municipal Services (2) | \$ 370,000 | \$ 220,000 | \$ 773,000 |
| Total Transfers | \$ 1,658,695 | \$ 1,086,099 | \$ 1,640,022 |
| Total Budget | \$ 17,680,420 | \$ 6,755,810 | \$ 24,857,193 |
| RESTRICTED Funds - Capital Projects | \$ - | \$ - | \$ 3,761,581 |
| RESTRICTED Funds - Affordable Housing | \$ - | \$ - | \$ - |
| RESTRICTED Funds - Bond Debt Service | \$ 1,335,145 | \$ 1,279,936 | \$ 1,279,936 |
| UNRESTRICTED Funds | \$ 4,179,108 | \$ 13,017,290 | \$ 3,642,446 |
| Total Ending Fund Balance | \$ 5,514,253 | \$ 14,297,226 | \$ 8,683,963 |
| Total Budget & Ending Fund Balance | \$ 23,194,672 | \$ 21,053,035 | \$ 33,541,156 |

- Notes:
- (1) The calculation of ISD Revenues and Transfers was based on the TY05 Tax Rate due to House Bill #1. However, ISD has been paying based on their current tax rate. Due to the ISD Education Set-Aside, the net increment received by the TIRZ is the same under either Tax Rate.
 - (2) Municipal services includes FY10 payment of \$473,000 to the City of Houston and FY09 and FY10 payments of \$150,000/EA to GSMD for public safety.
 - (3) Incremental property tax revenue and transfers: FY09 City & ISD Projection based on Tax Year 2008 actuals; County & HCC 3-20-09 HCAD revenues and transfers FY10 Projection based on 9-25-09 HCAD revenues; with TIRZ growth projections

2010 - 2014 CAPITAL IMPROVEMENT PLAN
TIRZ No. 07 - OST/Alameda Redevelopment Authority
CIP by Project

CITY OF HOUSTON - TIRZ PROGRAM
Finance Department
Economic Development Division

| Council District | CIP No. | Project | FY Planned Appropriations (\$ Thousands) | | | | | | | | Total 2010-2014 | Cumulative Total (To Date) | |
|------------------|---------|---|--|----------------|--------------|--------------|------------|--------------|--------------|------|-----------------|----------------------------|-----------|
| | | | Through 2008 | Projected 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | | | | |
| D | T-0701 | STEP - OST & Griggs Landscape Project | \$ 868,150 | \$ 4,775 | \$ 1,097,502 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | 1,097,502 | 1,970,427 |
| D | T-0701A | OST & Griggs Landscape Project Phase II | \$ - | \$ - | \$ 955,000 | \$ 2,045,000 | \$ - | \$ - | \$ - | \$ - | \$ - | 3,000,000 | 3,000,000 |
| D | T-0702A | OST Corridor Improvements: Streetscape Enhancements | \$ 107,397 | \$ 1,259,619 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | - | 1,367,016 |
| D | T-0702B | OST Corridor Improvements: West MacGregor Estates Sound Barrier | \$ 727,835 | \$ 1,098 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | - | 728,933 |
| D | T-0703 | Griggs Road Corridor Improvements | \$ 87,021 | \$ 7,396 | \$ 1,222,797 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | 1,222,797 | 1,317,214 |
| D | T-0704 | Dixie Drive Area Development | \$ 893,615 | \$ 287,538 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | - | 1,181,153 |
| I | T-0705 | Peggy Park & Chenevert Improvements | \$ 87,560 | \$ 1,290,262 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | - | 1,377,822 |
| D | T-0706 | Park @ Palm Center | \$ 286,217 | \$ 1,001,945 | \$ 80,000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | - | 1,368,162 |
| D | T-0707 | Calloway Park | \$ 414,366 | \$ 21,727 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | - | 436,093 |
| D | T-0708 | Alameda Road Corridor Improvements - (Phase III) | \$ 251,849 | \$ (22,795) | \$ 80,912 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | 80,912 | 309,966 |
| D | T-0709 | Trees on the Corridors | \$ 100,000 | \$ 15,000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | - | 115,000 |
| D.I | T-0710 | Real Property Land Assembly & Site Preparation | \$ 3,410,610 | \$ 10,291 | \$ 2,000,000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | 2,000,000 | 5,420,901 |
| D | T-0711 | Historic Dowling Street Reconstruction | \$ - | \$ 382,828 | \$ 3,771,195 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | 3,771,195 | 4,154,023 |
| D | T-0712 | Emancipation Park Project | \$ - | \$ 52,616 | \$ 1,351,756 | \$ 2,400,000 | \$ - | \$ - | \$ - | \$ - | \$ - | 3,751,756 | 3,804,372 |
| D | T-0713 | Historic Holman Street Reconstruction | \$ - | \$ 322,337 | \$ 2,934,100 | \$ 2,690,106 | \$ - | \$ - | \$ - | \$ - | \$ - | 5,624,206 | 5,946,543 |
| D | T-0714 | Third Ward East-West Streets Project - Phase I | \$ - | \$ - | \$ - | \$ - | \$ 200,000 | \$ 1,890,000 | \$ 2,823,401 | \$ - | \$ - | 4,913,401 | 4,913,401 |
| D | T-0718 | Alameda Corridor Improvements- Phase IV | \$ - | \$ - | \$ 196,011 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | 196,011 | 196,011 |
| D | T-0719 | Library at Griggs Road | \$ - | \$ - | \$ 8,200,000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | 8,200,000 | 8,200,000 |
| D.I | T-0720 | Dowling Corridor Neighborhood | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 129,000 | \$ 450,000 | \$ - | \$ - | 579,000 | 579,000 |
| D.I | T-0721 | Holman Neighborhood Project | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | - | - |
| D | T-0722 | Greater Third Ward Neighborhood Project | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 60,000 | \$ - | \$ - | 60,000 | 60,000 |
| D | T-0723 | Zollie Scales Park Improvements | \$ - | \$ - | \$ - | \$ - | \$ 320,000 | \$ 1,612,500 | \$ - | \$ - | \$ - | 1,932,500 | 1,932,500 |
| Totals | | | 7,234,620 | 4,634,637 | 21,889,272 | 7,135,106 | 520,000 | 3,631,500 | 3,333,401 | - | 36,509,279 | 48,378,536 | |

2010 - 2014 CAPITAL IMPROVEMENT PLAN
 TIRZ No. 07 - OST/Alameda Redevelopment Authority
 CIP by Source of Funds

CITY OF HOUSTON - TIRZ PROGRAM
 Finance Department
 Economic Development Division

| Source of Funds | FY Planned Appropriations (\$ Thousands) | | | | | | | | | |
|---------------------------------|--|------------------|-------------------|------------------|----------------|------------------|------------------|-------------------|----------------------------|--|
| | Through 2008 | Projected 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | Total 2010-2014 | Cumulative Total (To Date) | |
| TIRZ No. 07 | | | | | | | | | | |
| TIRZ funds | 6,669,797 | 4,619,637 | 11,827,770 | 5,059,271 | 520,000 | 3,631,500 | 3,333,401 | 24,371,942 | 35,661,375 | |
| Revenue bond proceeds | - | - | - | - | - | - | - | - | - | |
| Proceeds from bank loan | - | - | 8,200,000 | 439,835 | - | - | - | 8,639,835 | 8,639,835 | |
| Developer Advance/Reimbursement | - | - | - | - | - | - | - | - | - | |
| City of Houston | - | - | - | - | - | - | - | - | - | |
| Grants | 564,823 | 15,000 | 1,861,502 | 1,636,000 | - | - | - | 3,497,502 | 4,077,325 | |
| Other | - | - | - | - | - | - | - | - | - | |
| Project Total | 7,234,620 | 4,634,637 | 21,889,272 | 7,135,106 | 520,000 | 3,631,500 | 3,333,401 | 36,509,279 | 48,378,536 | |

Project: STEP - OST & Griggs Landscape Project

City Council District

Key Map: 533 & 534

Location: D

Geo. Ref.: 88, 83

WBS.:

T-0701

Description: Install pedestrian amenities (benches, trash cans, etc.), ADA compliant sidewalks/ramps, crosswalk enhancements, etc. and install or repair signalization, as needed, along OST & Griggs Road.

Justification: Heavy pedestrian traffic with significant mass transit usage.

| | | Operating and Maintenance Costs: (\$ Thousands) | | | | Total | |
|----------------|--|---|------|------|------|-------|-------|
| | | 2010 | 2011 | 2012 | 2013 | 2014 | Total |
| Personnel | | | | | | | \$ - |
| Supplies | | | | | | | \$ - |
| Svcs. & Chgs. | | | | | | | \$ - |
| Capital Outlay | | | | | | | \$ - |
| Total | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| FTEs | | | | | | | \$ - |

Fiscal Year Planned Expenses

| Phase | Project Allocation | Projected Expenses thru 6/30/08 | 2009 Budget | 2009 Estimate | Fiscal Year Planned Expenses | | | | | | | FY10 - FY14 Total | Cumulative Total (To Date) |
|--------------------------|--------------------|---------------------------------|--------------|---------------|------------------------------|------|------|------|------|------|------|-------------------|----------------------------|
| | | | | | 2010 | 2011 | 2012 | 2013 | 2014 | | | | |
| 1 | Planning | | | | | | | | | | | \$ - | \$ - |
| 2 | Acquisition | | | | | | | | | | | \$ - | \$ - |
| 3 | Design | 285,197 | | 4,775 | | | | | | | | \$ - | \$ - |
| 4 | Construction | 576,622 | 1,097,502 | | 1,097,502 | | | | | | | \$ 1,097,502 | \$ 1,674,124 |
| 5 | Equipment | | | | | | | | | | | \$ - | \$ - |
| 6 | Close-Out | | | | | | | | | | | \$ - | \$ - |
| 7 | Other | 6,332 | 1,501 | - | | | | | | | | \$ 6,332 | \$ 6,332 |
| Other Sub-Total: | | 6,332 | 1,501 | - | - | - | - | - | - | - | - | \$ - | \$ 6,332 |
| Total Allocations | | \$ 868,150 | \$ 1,099,003 | \$ 4,775 | \$ 1,097,502 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 1,097,502 | \$ 1,970,427 |

Source of Funds

| | | | | | | | | | | | | | |
|---------------------------|------------|--------------|----------|--------------|------|------|------|------|------|------|------|--------------|--------------|
| TIRZ Increment Revenue | 403,327 | 1,501 | 4,775 | | | | | | | | | \$ - | \$ 408,102 |
| TIRZ Increment Bond Funds | | | | | | | | | | | | \$ - | \$ - |
| Grant Funds | 464,823 | 1,097,502 | - | 1,097,502 | | | | | | | | \$ 1,097,502 | \$ 1,562,325 |
| Proceeds from Bank Loan | | | | | | | | | | | | \$ - | \$ - |
| Total Funds | \$ 868,150 | \$ 1,099,003 | \$ 4,775 | \$ 1,097,502 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 1,097,502 | \$ 1,970,427 |

Project: OST & Griggs Landscape Project Phase II

Description: Complete installation of pedestrian amenities (benches, trash cans, etc.), ADA compliant sidewalks/ramps/crosswalk enhancements and install or repair signalization, as needed in the OST & Griggs Road corridors.

Justification: Heavy pedestrian traffic and significant mass transit usage.

| | | | | | |
|------------------------------|---|----------------------|-----------|--------------|---------|
| City Council District | D | Key Map: | 533 & 534 | WBS.: | T-0701A |
| Location: | D | Geo. Ref.: | | | |
| Served: | D | Neighborhood: | 68, 83 | | |

Fiscal Year Planned Expenses

| Phase | Projected Expenses thru 6/30/08 | 2009 Budget | 2009 Estimate | Operating and Maintenance Costs: (\$ Thousands) | | | | | FY10 - FY14 Total | Cummulative Total (To Date) |
|--------------------------|---------------------------------|--------------|---------------|---|--------------|------|------|------|-------------------|-----------------------------|
| | | | | 2010 | 2011 | 2012 | 2013 | 2014 | | |
| 1 Planning | | | | | | | | | | |
| 2 Acquisition | | | | | | | | | | |
| 3 Design | | 600,000 | | | | | | | | |
| 4 Construction | | 2,094,267 | | | 1,940,000 | | | | | |
| 5 Equipment | | | | | | | | | | |
| 6 Close-Out | | | | | | | | | | |
| 7 Other | | 305,733 | | 955,000 | 105,000 | | | | | |
| Other Sub-Total: | | 305,733 | | 955,000 | 105,000 | | | | | |
| Total Allocations | \$ - | \$ 3,000,000 | \$ - | \$ 955,000 | \$ 2,045,000 | \$ - | \$ - | \$ - | \$ 3,000,000 | \$ 3,000,000 |

| Source of Funds | | 2010 | 2011 | 2012 | 2013 | 2014 | FY10 - FY14 Total | Cummulative Total (To Date) |
|---------------------------|-----------|------------|--------------|------|------|------|-------------------|-----------------------------|
| TIRZ Increment Revenue | 600,000 | 191,000 | 409,000 | - | - | - | \$ 600,000 | \$ 600,000 |
| TIRZ Increment Bond Funds | 2,400,000 | 764,000 | 1,636,000 | - | - | - | \$ 2,400,000 | \$ 2,400,000 |
| Proceeds from Bank Loan | | | | | | | | |
| Total Funds | \$ - | \$ 955,000 | \$ 2,045,000 | \$ - | \$ - | \$ - | \$ 3,000,000 | \$ 3,000,000 |

Project: OST Corridor Improvements: Streetscape Enhancements

Description: Install pedestrian amenities (benches, trash cans, etc.), ADA compliant sidewalks/ ramps along streets that intersect OST and public art along OST.

Justification: Heavy pedestrian traffic with significant mass transit usage.

| | | | | | |
|--|------|----------------------|-----------|--------------|---------|
| City Council District | D | Key Map: | 533 & 534 | WBS.: | T-0702A |
| Location: | D | Geo. Ref.: | 68, 83 | | |
| Served: | D | Neighborhood: | 68, 83 | | |
| Operating and Maintenance Costs: (\$ Thousands) | | | | | |
| | 2010 | 2011 | 2012 | 2013 | 2014 |
| Personnel | | | | | |
| Supplies | | | | | |
| Svcs. & Chgs. | | | | | |
| Capital Outlay | | | | | |
| Total | \$ - | \$ - | \$ - | \$ - | \$ - |
| FTEs | | | | | |

Fiscal Year Planned Expenses

| Project Allocation | Phase | Projected Expenses thru 6/30/08 | 2009 Budget | 2009 Estimate | Fiscal Year Planned Expenses | | | | | FY10 - FY14 Total | Cumulative Total (To Date) | |
|-------------------------|--------------|---------------------------------|-------------|---------------|------------------------------|------|------|------|------|-------------------|----------------------------|--------|
| | | | | | 2010 | 2011 | 2012 | 2013 | 2014 | | | |
| 1 | Planning | | | | | | | | | | | |
| 2 | Acquisition | | | | | | | | | | | |
| 3 | Design | 107,397 | | | | | | | | | | |
| 4 | Construction | | | 1,178,006 | | | | | | | | |
| 5 | Equipment | | | | | | | | | | | |
| 6 | Close-Out | | | | | | | | | | | |
| 7 | Other | | | 81,613 | | | | | | | | |
| Other Sub-Total: | | - | - | 81,613 | - | - | - | - | - | - | - | 81,613 |

| | | | | | | | | | | | |
|--------------------------|------------|------|--------------|------|------|------|------|------|------|------|--------------|
| Total Allocations | \$ 107,397 | \$ - | \$ 1,259,619 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 1,367,016 |
|--------------------------|------------|------|--------------|------|------|------|------|------|------|------|--------------|

| Source of Funds | | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | FY10 - FY14 Total | Cumulative Total (To Date) |
|---------------------------|--|------------|------|--------------|------|------|------|-------------------|----------------------------|
| TIRZ Increment Revenue | | 107,397 | - | - | - | - | - | \$ 107,397 | \$ 107,397 |
| TIRZ Increment Bond Funds | | | | | | | | | \$ 1,259,619 |
| Grant Funds | | | | | | | | | |
| Proceeds from Bank Loan | | | | | | | | | |
| Total Funds | | \$ 107,397 | \$ - | \$ 1,259,619 | \$ - | \$ - | \$ - | \$ 1,367,016 | \$ 1,367,016 |

Project: OST Corridor Improvements: West MacGregor Estates
Sound Barrier Wall

Description: Install sound barrier wall at West MacGregor Estates at the intersections of two economic development corridors - OST and Griggs.

City Council District: D
Location: D
Served: D
Key Map: 533 & 534
Geo. Ref.:
Neighborhood: 68, 83
WBS.:
T-0702B

Justification: Provide sound and physical barrier between the West MacGregor Estates residential community and the high automobile and truck traffic at the intersection of two major streets.

| | | Operating and Maintenance Costs: (\$ Thousands) | | | | Total | |
|----------------|--|---|------|------|------|-------|-------|
| | | 2010 | 2011 | 2012 | 2013 | 2014 | Total |
| Personnel | | | | | | | \$ - |
| Supplies | | | | | | | \$ - |
| Svcs. & Chgs. | | | | | | | \$ - |
| Capital Outlay | | | | | | | \$ - |
| Total | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| FTEs | | | | | | | \$ - |

Fiscal Year Planned Expenses

| Phase | Projected Expenses thru 6/30/08 | 2009 Budget | 2009 Estimate | Fiscal Year Planned Expenses | | | | | FY10 - FY14 Total | Cumulative Total (To Date) |
|-------------------------|---------------------------------|-------------|---------------|------------------------------|------|------|------|------|-------------------|----------------------------|
| | | | | 2010 | 2011 | 2012 | 2013 | 2014 | | |
| 1 Planning | | | | | | | | | \$ - | \$ - |
| 2 Acquisition | | | | | | | | | \$ - | \$ - |
| 3 Design | | | | | | | | | \$ - | \$ - |
| 4 Construction | 679,999 | | | | | | | | \$ - | \$ 679,999 |
| 5 Equipment | | | | | | | | | \$ - | \$ - |
| 6 Close-Out | | | | | | | | | \$ - | \$ - |
| 7 Other | 47,836 | | 1,098 | | | | | | \$ - | \$ 48,934 |
| Other Sub-Total: | 47,836 | - | 1,098 | - | - | - | - | - | \$ - | \$ 48,934 |

| | | | | | | | | | | |
|--------------------------|------------|------|----------|------|------|------|------|------|------|------------|
| Total Allocations | \$ 727,835 | \$ - | \$ 1,098 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 728,933 |
|--------------------------|------------|------|----------|------|------|------|------|------|------|------------|

Source of Funds

| | | | | | | | | | | |
|---------------------------|------------|------|----------|------|------|------|------|------|------|------------|
| TIRZ Increment Revenue | 727,835 | - | 1,098 | - | - | - | - | - | \$ - | \$ 728,933 |
| TIRZ Increment Bond Funds | | | | | | | | | \$ - | \$ - |
| Grant Funds | | | | | | | | | \$ - | \$ - |
| Proceeds from Bank Loan | | | | | | | | | \$ - | \$ - |
| Total Funds | \$ 727,835 | \$ - | \$ 1,098 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 728,933 |

Project: Griggs Road Corridor Improvements

Description: Install pedestrian amenities (benches, trash cans, etc.) and ADA compliant sidewalks/ ramps along streets that intersect Griggs Rd and in public easements on Griggs Road. Install public art along Griggs Road.

Justification: Heavy pedestrian traffic with significant mass transit usage.

| | | | | | | | | | |
|--|----|---------------------------|----|--------------|-------------|---------------|-------------|-------------|--------------|
| City Council District | | Key Map: 533 & 534 | | WBS.: | | T-0703 | | | |
| Location: | D | Geo. Ref.: | | | | | | | |
| Served: | D | Neighborhood: | 68 | | | | | | |
| Operating and Maintenance Costs: (\$ Thousands) | | | | 2010 | 2011 | 2012 | 2013 | 2014 | Total |
| Personnel | | | | | | | | | |
| Supplies | | | | | | | | | |
| Svcs. & Chgs. | | | | | | | | | |
| Capital Outlay | | | | | | | | | |
| Total | \$ | - | \$ | - | \$ | - | \$ | - | \$ |
| FTEs | | | | | | | | | |

Fiscal Year Planned Expenses

| Phase | Project Allocation | Projected Expenses thru 6/30/08 | 2009 Budget | 2009 Estimate | 2010 | 2011 | 2012 | 2013 | 2014 | FY10 - FY14 Total | Cummulative Total (To Date) |
|--------------------------|--------------------|---------------------------------|-------------|---------------|--------------|------|------|------|------|-------------------|-----------------------------|
| | | | | | | | | | | | |
| 1 | Planning | | | | | | | | | \$ | - |
| 2 | Acquisition | | | | | | | | | \$ | - |
| 3 | Design | 87,021 | | 3,701 | 1,164,569 | | | | | \$ | 90,722 |
| 4 | Construction | - | | | | | | | | \$ | - |
| 5 | Equipment | | | | | | | | | \$ | - |
| 6 | Close-Out | | | | | | | | | \$ | - |
| 7 | Other | | | 3,695 | 58,228 | | | | | \$ | 61,923 |
| Other Sub-Total: | | - | - | 3,695 | 58,228 | - | - | - | - | \$ | 61,923 |
| Total Allocations | | \$ 87,021 | \$ - | \$ 7,396 | \$ 1,222,797 | \$ - | \$ - | \$ - | \$ - | \$ 1,222,797 | \$ 1,317,214 |

| Source of Funds | | 2010 | 2011 | 2012 | 2013 | 2014 | FY10 - FY14 Total | Cummulative Total (To Date) |
|---------------------------|-----------|----------|------|------|------|------|-------------------|-----------------------------|
| TIRZ Increment Revenue | 87,021 | | | | | | \$ 87,021 | \$ 87,021 |
| TIRZ Increment Bond Funds | | 7,396 | | | | | \$ 7,396 | \$ 94,417 |
| Grant Funds | | | | | | | \$ - | \$ 94,417 |
| Proceeds from Bank Loan | | | | | | | \$ - | \$ 94,417 |
| Total Funds | \$ 87,021 | \$ 7,396 | \$ - | \$ - | \$ - | \$ - | \$ 94,417 | \$ 1,317,214 |

Project: Dixie Drive Area Development

| | | | | | | | | | |
|------------------------------|--|-----------------|--|----------------------|--|--------------|--|--------|--|
| City Council District | | Key Map: | | 533 | | WBS.: | | T-0704 | |
| Location: | | D | | Geo. Ref.: | | | | | |
| Served: | | D | | Neighborhood: | | 83 | | | |

Description: Construct new sanitary sewers, storm sewers, streets and sidewalks on Bowling Green, Allegheny, Kelton, Kilgore, Natchez, Dixie Drive and Terwester.

Justification: Project area is strategically located near OST and SH 288 and is south of the upscale South MacGregor residential neighborhoods. It is characterized by poor storm water drainage, inadequate sanitary sewer capacity and no to poor sidewalks.

| | Operating and Maintenance Costs: (\$ Thousands) | | | | FY10 - FY14 Total | Cumulative Total (To Date) |
|----------------|---|------|------|------|-------------------|----------------------------|
| | 2010 | 2011 | 2012 | 2013 | | |
| Personnel | | | | | | |
| Supplies | | | | | | |
| Svcs. & Chgs. | | | | | | |
| Capital Outlay | | | | | | |
| Total | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |

Fiscal Year Planned Expenses

| Phase | Projected Expenses thru 6/30/08 | 2009 Budget | 2009 Estimate | Fiscal Year Planned Expenses | | | | | FY10 - FY14 Total | Cumulative Total (To Date) |
|-------------------------|---------------------------------|-------------|---------------|------------------------------|------|------|------|------|-------------------|----------------------------|
| | | | | 2010 | 2011 | 2012 | 2013 | 2014 | | |
| 1 Planning | | | | | | | | | | |
| 2 Acquisition | | | | | | | | | | |
| 3 Design | 47,909 | | 287,538 | | | | | | | \$ - |
| 4 Construction | 845,706 | 1,500,000 | - | | | | | | | \$ 335,447 |
| 5 Equipment | | | | | | | | | | \$ - |
| 6 Close-Out | | | | | | | | | | \$ - |
| 7 Other | | | | | | | | | | \$ - |
| Other Sub-Total: | - | - | - | - | - | - | - | - | - | \$ - |

| | | | | | | | | | | |
|--------------------------|------------|--------------|------------|------|------|------|------|------|------|--------------|
| Total Allocations | \$ 893,615 | \$ 1,500,000 | \$ 287,538 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 1,181,153 |
|--------------------------|------------|--------------|------------|------|------|------|------|------|------|--------------|

Source of Funds

| | | | | | | | | | | |
|---------------------------|------------|--------------|------------|------|------|------|------|------|------|--------------|
| TIRZ Increment Revenue | 893,615 | | 287,538 | | | | | | | \$ 1,181,153 |
| TIRZ Increment Bond Funds | | 1,500,000 | | | | | | | | \$ - |
| Grant Funds | | | | | | | | | | \$ - |
| Proceeds from Bank Loan | | | | | | | | | | \$ - |
| Total Funds | \$ 893,615 | \$ 1,500,000 | \$ 287,538 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 1,181,153 |

Project: Peggy Park & Cheneverst Improvements

| | | | | | |
|------------------------------|-------|----------------------|-----|--------------|--------|
| City Council District | 493 | Key Map: | 493 | WBS.: | T-0705 |
| Location: | I | Geo. Ref.: | | | |
| Served: | D & I | Neighborhood: | 67 | | |

Description: Upgrade Peggy Park and Cheneverst Street to include installation of improved drainage, enhanced lighting, sidewalks, street paving/resurfacing, park furniture, trash receptacles, public art, monuments, etc.

Justification: Peggy Park, a neighborhood pocket park located along Alameda Rd., has seen increase in usage by children, seniors and families in addition to teenagers and young adults. Existing equipment and amenities do not meet current needs or safety stnds.

| | Operating and Maintenance Costs: (\$ Thousands) | | | | | Total |
|----------------|---|------|------|------|------|-------|
| | 2010 | 2011 | 2012 | 2013 | 2014 | |
| Personnel | | | | | | \$ - |
| Supplies | | | | | | \$ - |
| Svs. & Chgs. | | | | | | \$ - |
| Capital Outlay | | | | | | \$ - |
| Total | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| FTEs | | | | | | \$ - |

Fiscal Year Planned Expenses

| Phase | Projected Expenses thru 6/30/08 | 2009 Budget | 2009 Estimate | Fiscal Year Planned Expenses | | | | | FY10 - FY14 Total | Cumulative Total (To Date) |
|-------------------------|---------------------------------|-------------|---------------|------------------------------|------|------|------|------|-------------------|----------------------------|
| | | | | 2010 | 2011 | 2012 | 2013 | 2014 | | |
| 1 Planning | | | | | | | | | | \$ - |
| 2 Acquisition | | | | | | | | | | \$ - |
| 3 Design | 87,560 | 101,970 | | | | | | | | \$ 87,560 |
| 4 Construction | - | 679,800 | 1,166,753 | | | | | | | \$ 1,166,753 |
| 5 Equipment | | | | | | | | | | \$ - |
| 6 Close-Out | | | | | | | | | | \$ - |
| 7 Other | | 53,485 | 123,509 | | | | | | | \$ 123,509 |
| Other Sub-Total: | - | 53,485 | 123,509 | - | - | - | - | - | - | \$ 123,509 |

| | | | | | | | | | | |
|--------------------------|-----------|------------|--------------|------|------|------|------|------|------|--------------|
| Total Allocations | \$ 87,560 | \$ 835,255 | \$ 1,290,262 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 1,377,822 |
|--------------------------|-----------|------------|--------------|------|------|------|------|------|------|--------------|

Source of Funds

| | | | | | | | | | | |
|---------------------------|-----------|------------|--------------|------|------|------|------|------|------|--------------|
| TIRZ Increment Revenue | 87,560 | 835,255 | 1,290,262 | | | | | | | \$ 1,377,822 |
| TIRZ Increment Bond Funds | | | | | | | | | | \$ - |
| Grant Funds | | | | | | | | | | \$ - |
| Proceeds from Bank Loan | | | | | | | | | | \$ - |
| Total Funds | \$ 87,560 | \$ 835,255 | \$ 1,290,262 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 1,377,822 |

Project: Park @ Palm Center

Description: Construct new public park on city-owned property at Palm Center on the southeast corner of Griggs Rd and Beekman.

Justification: There is no neighborhood park accessible to children, seniors, patrons of Palm Center and residents in this area.

| | | | | | |
|------------------------------|------|----------------------|--|--------------|--------|
| City Council District | D | Key Map: | 534 | WBS.: | T-0706 |
| Location: | D | Geo. Ref.: | | | |
| Served: | D | Neighborhood: | 68 | | |
| | | | Operating and Maintenance Costs: (\$ Thousands) | | |
| | 2010 | 2011 | 2012 | 2013 | 2014 |
| Personnel | | | | | |
| Supplies | | | | | |
| Svcs. & Chgs. | | | | | |
| Capital Outlay | | | | | |
| Total | \$ - | \$ - | \$ - | \$ - | \$ - |
| FTEs | | | | | |

Fiscal Year Planned Expenses

| Project Allocation Phase | Projected Expenses thru 6/30/08 | 2009 Budget | 2009 Estimate | Fiscal Year Planned Expenses | | | | | FY10 - FY14 Total | Cumulative Total (To Date) |
|-----------------------------|---------------------------------|-------------|---------------|------------------------------|------|------|------|------|-------------------|----------------------------|
| | | | | 2010 | 2011 | 2012 | 2013 | 2014 | | |
| 1 Planning | | | | | | | | | | |
| 2 Acquisition | | | | | | | | | | |
| 3 Design | 146,624 | 10,000 | 54,736 | | | | | | \$ - | \$ - |
| 4 Construction | 125,282 | 150,000 | 947,132 | 80,000 | | | | | \$ 80,000 | \$ 201,360 |
| 5 Equipment | | | | | | | | | | |
| 6 Close-Out | | | | | | | | | | |
| 7 Other | 14,311 | 69,750 | 77 | | | | | | \$ - | \$ 14,388 |
| Other Sub-Total: | 14,311 | 69,750 | 77 | - | - | - | - | - | \$ - | \$ 14,388 |
| Total Allocations | \$ 286,217 | \$ 229,750 | \$ 1,001,945 | \$ 80,000 | \$ - | \$ - | \$ - | \$ - | \$ 80,000 | \$ 1,368,162 |

Source of Funds

| | | | | | | | | | | |
|---------------------------|------------|------------|--------------|-----------|------|------|------|------|-----------|--------------|
| TIPZ Increment Revenue | 286,217 | 229,750 | 1,001,945 | 80,000 | - | - | - | - | \$ 80,000 | \$ 1,368,162 |
| TIPZ Increment Bond Funds | | | | | | | | | \$ - | \$ - |
| Grant Funds | | | | | | | | | \$ - | \$ - |
| Proceeds from Bank Loan | | | | | | | | | \$ - | \$ - |
| Total Funds | \$ 286,217 | \$ 229,750 | \$ 1,001,945 | \$ 80,000 | \$ - | \$ - | \$ - | \$ - | \$ 80,000 | \$ 1,368,162 |

Project: Calloway Park

| | | | | | |
|------------------------------|---|----------------------|-----|--------------|--------|
| City Council District | D | Key Map: | 533 | WBS.: | T-0707 |
| Location: | D | Geo. Ref.: | | | |
| Served: | D | Neighborhood: | 83 | | |

Description: Upgrade Calloway Park providing storm drainage, increased lighting and park amenities including park furniture, trashcans, public art, etc. Calloway Park is bounded on three sides by Kilgore, Allegheny, and Natchez.

Justification: Park equipment does not meet current safety standards, drainage is poor, lighting is inadequate and existing amenities do not address the changing demographics of the adjacent residential neighborhood and businesses along OST at SH288.

| | | Operating and Maintenance Costs: (\$ Thousands) | | | | Total | |
|----------------|--|---|------|------|------|-------|-------|
| | | 2010 | 2011 | 2012 | 2013 | 2014 | Total |
| Personnel | | | | | | | |
| Supplies | | | | | | | |
| Svcs. & Chgs. | | | | | | | |
| Capital Outlay | | | | | | | |
| Total | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| FTEs | | | | | | | |

Fiscal Year Planned Expenses

| Phase | Projected Expenses thru 6/30/08 | 2009 Budget | 2009 Estimate | Fiscal Year Planned Expenses | | | | | FY10 - FY14 Total | Cumulative Total (To Date) |
|--------------------------|---------------------------------|-------------|---------------|------------------------------|------|------|------|------|-------------------|----------------------------|
| | | | | 2010 | 2011 | 2012 | 2013 | 2014 | | |
| 1 Planning | | | | | | | | | | |
| 2 Acquisition | | | | | | | | | | |
| 3 Design | 51,812 | | 2,833 | | | | | | | \$ - |
| 4 Construction | 358,978 | | 18,894 | | | | | | | \$ 54,645 |
| 5 Equipment | | | | | | | | | | \$ - |
| 6 Close-Out | | | | | | | | | | \$ - |
| 7 Other | 3,576 | | | | | | | | | \$ 3,576 |
| Other Sub-Total: | 3,576 | - | - | - | - | - | - | - | - | \$ 3,576 |
| Total Allocations | \$ 414,366 | \$ - | \$ 21,727 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 436,093 |

Source of Funds

| | | | | | | | | | | |
|---------------------------|------------|------|-----------|------|------|------|------|------|------|------------|
| TIRZ Increment Revenue | 414,366 | - | 21,727 | - | - | - | - | - | - | \$ 436,093 |
| TIRZ Increment Bond Funds | | | | | | | | | | \$ - |
| Grant Funds | | | | | | | | | | \$ - |
| Proceeds from Bank Loan | | | | | | | | | | \$ - |
| Total Funds | \$ 414,366 | \$ - | \$ 21,727 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 436,093 |

01/11/2009

Project: Alameda Road Corridor Improvements - (Phase III)

City Council District: D
Location: D
Served: D
Key Map: 493, 533
Geo. Ref.:
Neighborhood: 67, 33
WBS.:
T-0708

Description: Install pedestrian amenities (benches, trashcans, public art, etc.) along Alameda from SH 59 to Hermann Drive and upgraded decorative street lights along Alameda Rd between Binz and Hermann Drive.

Justification: Public improvements along Alameda Rd will enhance the pedestrian-oriented environment in the area and help promote development/re-development of the area.

| | | Operating and Maintenance Costs: (\$ Thousands) | | | | FY10 - FY14 Total | | Cumulative Total (To Date) |
|----------------|--|---|------|------|------|-------------------|-------|----------------------------|
| | | 2010 | 2011 | 2012 | 2013 | 2014 | Total | |
| Personnel | | | | | | | | |
| Supplies | | | | | | | | |
| Svcs. & Chgs. | | | | | | | | |
| Capital Outlay | | | | | | | | |
| Total | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| FTEs | | | | | | | | |

Fiscal Year Planned Expenses

| Phase | Project Allocation | Projected Expenses thru 6/30/08 | 2009 Budget | 2009 Estimate | 2010 | 2011 | 2012 | 2013 | 2014 | FY10 - FY14 Total | Cumulative Total (To Date) |
|-------|--------------------------|---------------------------------|-------------|---------------|-----------|------|------|------|------|-------------------|----------------------------|
| | | | | | | | | | | | |
| 1 | Planning | | | | | | | | | \$ - | \$ - |
| 2 | Acquisition | | | | | | | | | \$ - | \$ - |
| 3 | Design | | | | | | | | | \$ - | \$ - |
| 4 | Construction | 17,804 | | | | | | | | \$ - | \$ - |
| 5 | Equipment | 204,404 | | | 80,912 | | | | | \$ 80,912 | \$ 17,804 |
| 6 | Close-Out | | | | | | | | | \$ - | \$ - |
| 7 | Other | | | | | | | | | \$ - | \$ - |
| | | 29,641 | | (47,550) | | | | | | \$ - | \$ - |
| | Other Sub-Total: | 29,641 | - | (47,550) | - | - | - | - | - | \$ - | \$ (17,909) |
| | Total Allocations | \$ 251,849 | \$ - | \$ (22,795) | \$ 80,912 | \$ - | \$ - | \$ - | \$ - | \$ 80,912 | \$ 309,966 |

Source of Funds

| | | | | | | | | | | | |
|---------------------------|------------|------|-------------|-----------|--------|------|------|------|------|-----------|------------|
| TIRZ Increment Revenue | 251,849 | | | (22,795) | 80,912 | | | | | \$ 80,912 | \$ 309,966 |
| TIRZ Increment Bond Funds | | | | | | | | | | \$ - | \$ - |
| Grant Funds | | | | | | | | | | \$ - | \$ - |
| Proceeds from Bank Loan | | | | | | | | | | \$ - | \$ - |
| Total Funds | \$ 251,849 | \$ - | \$ (22,795) | \$ 80,912 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 80,912 | \$ 309,966 |

Project: Trees on the Corridors

Description: Install trees along Old Spanish Trail and Griggs Road in partnership with Tree for Houston.

Justification: Heavy pedestrian traffic with significant mass transit usage.

| | | | | | |
|------------------------------|------|----------------------|--|--------------|--------|
| City Council District | D | Key Map: | 533 & 534 | WBS.: | T-0709 |
| Location: | D | Geo. Ref.: | | | |
| Served: | D | Neighborhood: | 67, 83 | | |
| | | | Operating and Maintenance Costs: (\$ Thousands) | | |
| | 2010 | 2011 | 2012 | 2013 | 2014 |
| Personnel | | | | | |
| Supplies | | | | | |
| Svcs. & Chgs. | | | | | |
| Capital Outlay | | | | | |
| Total | \$ - | \$ - | \$ - | \$ - | \$ - |
| FTEs | | | | | |

Fiscal Year Planned Expenses

| Phase | Project Allocation | Projected Expenses thru 6/30/08 | 2009 Budget | 2009 Estimate | Fiscal Year Planned Expenses | | | | | FY10 - FY14 Total | Cumulative Total (To Date) | |
|--------------------------|--------------------|---------------------------------|-------------|---------------|------------------------------|------|------|------|------|-------------------|----------------------------|------------|
| | | | | | 2010 | 2011 | 2012 | 2013 | 2014 | | | |
| 1 | Planning | | | | | | | | | | | |
| 2 | Acquisition | | | | | | | | | | | |
| 3 | Design | | | | | | | | | | | |
| 4 | Construction | 100,000 | 15,000 | 15,000 | | | | | | | | 115,000 |
| 5 | Equipment | | | | | | | | | | | |
| 6 | Close-Out | | | | | | | | | | | |
| 7 | Other | | | | | | | | | | | |
| Other Sub-Total: | | - | - | - | - | - | - | - | - | - | - | - |
| Total Allocations | | \$ 100,000 | \$ 15,000 | \$ 15,000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 115,000 |

Source of Funds

| | | | | | | | | | | | | |
|---------------------------|------------|------------|-----------|------|------|------|------|------|------|------|------|------------|
| TIRZ Increment Revenue | | | | | | | | | | | | |
| TIRZ Increment Bond Funds | | | | | | | | | | | | |
| Grant Funds | 100,000 | 100,000 | 15,000 | | | | | | | | | 115,000 |
| Proceeds from Bank Loan | | | | | | | | | | | | |
| Total Funds | \$ 100,000 | \$ 100,000 | \$ 15,000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 115,000 |

Project: Real Property Land Assembly & Site Preparation
 (Griggs Road Site)

Description: Acquisition, remediation, and site preparation of land for General Redevelopment, Public, Cultural and Recreational Facilities including adequate parking.

Justification: Planned improvements at target locations will further enhance the quality of life of residents in the Third Ward, University of Houston and Texas Southern University neighborhoods.

| City Council District | | Key Map: | | WBS.: | | T-0710 | |
|--|---------|----------|------|------------|---------------|-----------|------------|
| Location: | Served: | D.1 | D.1 | Geo. Ref.: | Neighborhood: | 5338, 534 | 67, 68, 83 |
| Operating and Maintenance Costs: (\$ Thousands) | | | | | | | |
| Personnel | 2010 | 2011 | 2012 | 2013 | 2014 | Total | |
| Supplies | | | | | | | |
| Svcs. & Chgs. | | | | | | | |
| Capital Outlay | | | | | | | |
| Total | \$ | \$ | \$ | \$ | \$ | \$ | |
| FTEs | | | | | | | |

Fiscal Year Planned Expenses

| Project Allocation | Phase | Projected Expenses thru 6/30/08 | 2009 Budget | 2009 Estimate | Fiscal Year Planned Expenses | | | | | FY10 - FY14 Total | Cumulative Total (To Date) |
|--------------------------|--------------|---------------------------------|--------------|---------------|------------------------------|------|------|------|------|-------------------|----------------------------|
| | | | | | 2010 | 2011 | 2012 | 2013 | 2014 | | |
| 1 | Planning | | | 9,070 | | | | | | \$ | 9,070 |
| 2 | Acquisition | 3,376,654 | 2,000,000 | | 2,000,000 | | | | | \$ | 2,000,000 |
| 3 | Design | | | | | | | | | \$ | 5,376,654 |
| 4 | Construction | | | | | | | | | \$ | - |
| 5 | Equipment | | | | | | | | | \$ | - |
| 6 | Close-Out | | | | | | | | | \$ | - |
| 7 | Other | 33,956 | | 1,221 | | | | | | \$ | 35,177 |
| Other Sub-Total: | | 33,956 | - | 1,221 | - | - | - | - | - | \$ | 35,177 |
| Total Allocations | | \$ 3,410,610 | \$ 2,000,000 | \$ 10,291 | \$ 2,000,000 | \$ - | \$ - | \$ - | \$ - | \$ 2,000,000 | \$ 5,420,901 |

| Source of Funds | | 2009 Estimate | | 2010 | | 2011 | | 2012 | | 2013 | | 2014 | | FY10 - FY14 Total | | Cumulative Total (To Date) | |
|---------------------------|--------------|---------------|-----------|--------------|------|------|------|------|------|------|------|------|------|-------------------|--------------|----------------------------|--|
| TIRZ Increment Revenue | 3,410,610 | 2,000,000 | 10,291 | 2,000,000 | - | - | - | - | - | - | - | - | - | \$ 2,000,000 | \$ 5,420,901 | | |
| TIRZ Increment Bond Funds | | | | | | | | | | | | | | \$ - | \$ - | | |
| Grant Funds | | | | | | | | | | | | | | \$ - | \$ - | | |
| Proceeds from Bank Loan | | | | | | | | | | | | | | \$ - | \$ - | | |
| Total Funds | \$ 3,410,610 | \$ 2,000,000 | \$ 10,291 | \$ 2,000,000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 2,000,000 | \$ 5,420,901 | | |

Project: Historic Dowling Street Reconstruction

City Council District: 533
Location: D
Served: D
Key Map:
Geo. Ref.:
Neighborhood: 68, 83
WBS.:
T-0711

Description: Major roadway, public utilities, enhanced sidewalks, enhanced street lights, streetscape/pedestrian amenities (including historical markers/monuments, public art, etc.) along Dowling from SH 45 to Southmore.

Justification: Street segments, public utilities and sidewalks are in poor condition. Street was "downtown" corridor for historic Third Ward.

| | | 2010 | | 2011 | | 2012 | | 2013 | | 2014 | | Total | |
|----------------|--|------|------|------|------|------|------|------|------|------|------|-------|------|
| Personnel | | | | | | | | | | | | | |
| Supplies | | | | | | | | | | | | | |
| Svcs. & Chgs. | | | | | | | | | | | | | |
| Capital Outlay | | | | | | | | | | | | | |
| Total | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| FTEs | | | | | | | | | | | | | |

Fiscal Year Planned Expenses

| Phase | Project Allocation | Projected Expenses thru 6/30/08 | 2009 Budget | 2009 Estimate | 2010 - FY14 | | | | | FY10 - FY14 Total | Culmulative Total (To Date) | |
|-------|-------------------------|---------------------------------|-------------|---------------|-------------|------|------|------|------|-------------------|-----------------------------|--|
| | | | | | 2010 | 2011 | 2012 | 2013 | 2014 | | | |
| 1 | Planning | | | | | | | | | | | |
| 2 | Acquisition | | | | | | | | | | | |
| 3 | Design | | 1,020,601 | 372,104 | 778,806 | | | | | 778,806 | \$ 1,150,910 | |
| 4 | Construction | | | | 2,707,550 | | | | | 2,707,550 | \$ 2,707,550 | |
| 5 | Equipment | | | | | | | | | | | |
| 6 | Close-Out | | | | | | | | | | | |
| 7 | Other | | | 10,724 | 284,839 | | | | | 284,839 | \$ 295,563 | |
| | Other Sub-Total: | | | 10,724 | 284,839 | | | | | 284,839 | \$ 295,563 | |

| | | | | | | | | | | | |
|--------------------------|------|--------------|------------|--------------|------|------|------|------|------|--------------|--------------|
| Total Allocations | \$ - | \$ 1,020,601 | \$ 382,828 | \$ 3,771,195 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 3,771,195 | \$ 4,154,023 |
|--------------------------|------|--------------|------------|--------------|------|------|------|------|------|--------------|--------------|

Source of Funds

| | | | | | | | | | | | |
|---------------------------|------|--------------|------------|--------------|------|------|------|------|------|--------------|--------------|
| TIRZ Increment Revenue | | 1,020,601 | 382,828 | 3,771,195 | | | | | | | \$ 4,154,023 |
| TIRZ Increment Bond Funds | | | | | | | | | | | \$ - |
| Grant Funds | | | | | | | | | | | \$ - |
| Proceeds from Bank Loan | | | | | | | | | | | \$ - |
| Total Funds | \$ - | \$ 1,020,601 | \$ 382,828 | \$ 3,771,195 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 3,771,195 | \$ 4,154,023 |

Project: Emancipation Park Project

City Council District: D
Location: D
Served: D
Key Map:
Geo. Ref.:
Neighborhood:
WBS.: T-0712

Description: Upgrades to park in heart of historical Third Ward which improves drainage, provides additional pavillion structures, district monuments/signage, site trails, public art and includes relocation of parking.

Justification: Park is historic site established to celebrate the emancipation of slaves in Texas. Park planning is needed to define/redefine and preserve the history while re-creating this green space to better serve the changing adjacent neighborhood.

Fiscal Year Planned Expenses

| Phase | Projected Expenses thru 6/30/08 | 2009 Budget | 2009 Estimate | Operating and Maintenance Costs: (\$ Thousands) | | | | | FY10 - FY14 Total | Cumulative Total (To Date) |
|--------------------------|---------------------------------|--------------|---------------|---|--------------|------|------|------|-------------------|----------------------------|
| | | | | 2010 | 2011 | 2012 | 2013 | 2014 | | |
| 1 Planning | | 200,000 | 51,590 | 20,000 | | | | | \$ 20,000 | \$ 71,590 |
| 2 Acquisition | | | | | | | | | \$ - | \$ - |
| 3 Design | | | | 439,423 | | | | | \$ 439,423 | \$ 439,423 |
| 4 Construction | | 1,800,000 | | 818,055 | 2,400,000 | | | | \$ 3,218,055 | \$ 3,218,055 |
| 5 Equipment | | | | | | | | | \$ - | \$ - |
| 6 Close-Out | | | | | | | | | \$ - | \$ - |
| 7 Other | | | 1,026 | 74,278 | | | | | \$ 74,278 | \$ 75,304 |
| Other Sub-Total: | | | 1,026 | 74,278 | | | | | \$ 74,278 | \$ 75,304 |
| Total Allocations | \$ - | \$ 2,000,000 | \$ 52,616 | \$ 1,351,756 | \$ 2,400,000 | \$ - | \$ - | \$ - | \$ 3,751,756 | \$ 3,804,372 |

Source of Funds

| | | | | | | | | | | |
|---------------------------|------|--------------|-----------|--------------|--------------|------|------|------|--------------|--------------|
| TIRZ Increment Revenue | | 2,000,000 | 52,616 | 1,351,756 | 2,400,000 | | | | \$ 3,751,756 | \$ 3,804,372 |
| TIRZ Increment Bond Funds | | | | | | | | | \$ - | \$ - |
| Grant Funds | | | | | | | | | \$ - | \$ - |
| Proceeds from Bank Loan | | | | | | | | | \$ - | \$ - |
| Total Funds | \$ - | \$ 2,000,000 | \$ 52,616 | \$ 1,351,756 | \$ 2,400,000 | \$ - | \$ - | \$ - | \$ 3,751,756 | \$ 3,804,372 |

Project: Historic Holman Street Reconstruction

City Council District: D
Location: D
Served: D
Key Map:
Geo. Ref.:
Neighborhood:
WBS.: T-0713

Description: Major roadway, public utilities, enhanced sidewalks, enhanced street lights, streetscape/pedestrian amenities (including historical markers/monuments, public art, etc.) along Holman from SH 288 to Scott.

Justification:

| | | Operating and Maintenance Costs: (\$ Thousands) | | | | | |
|----------------|--|---|------|------|------|------|-------|
| | | 2010 | 2011 | 2012 | 2013 | 2014 | Total |
| Personnel | | | | | | | |
| Supplies | | | | | | | |
| Svcs & Chgs. | | | | | | | |
| Capital Outlay | | | | | | | |
| Total | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| FTEs | | | | | | | |

Fiscal Year Planned Expenses

| Phase | Project Allocation | Projected Expenses thru 6/30/08 | 2009 Budget | 2009 Estimate | 2010 - 2014 | | | | | FY10 - FY14 Total | Cummulative Total (To Date) | |
|--------------------------|--------------------|---------------------------------|-------------|---------------|--------------|--------------|------|------|------|-------------------|-----------------------------|--|
| | | | | | 2010 | 2011 | 2012 | 2013 | 2014 | | | |
| 1 | Planning | | | | | | | | | | | |
| 2 | Acquisition | | | | | | | | | | | |
| 3 | Design | | 679,672 | 322,337 | | | | | | | | |
| 4 | Construction | | | | 2,800,839 | 2,556,845 | | | | | | |
| 5 | Equipment | | | | | | | | | | | |
| 6 | Close-Out | | | | | | | | | | | |
| 7 | Other | | | | 133,261 | 133,261 | | | | | | |
| Other Sub-Total: | | | | | 133,261 | 133,261 | | | | | | |
| Total Allocations | | \$ - | \$ 679,672 | \$ 322,337 | \$ 2,934,100 | \$ 2,690,106 | \$ - | \$ - | \$ - | \$ 5,624,206 | \$ 5,946,543 | |

| Source of Funds | | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | FY10 - FY14 Total | Cummulative Total (To Date) |
|---------------------------|--|---------|------------|------------|--------------|--------------|------|-------------------|-----------------------------|
| TIRZ Increment Revenue | | 679,672 | | | | | | \$ 5,184,371 | \$ 5,506,708 |
| TIRZ Increment Bond Funds | | | 2,934,100 | 2,250,271 | | | | \$ - | \$ - |
| Grant Funds | | | | | | | | \$ - | \$ - |
| Proceeds from Bank Loan | | | | 439,835 | | | | \$ 439,835 | \$ 439,835 |
| Total Funds | | \$ - | \$ 679,672 | \$ 322,337 | \$ 2,934,100 | \$ 2,690,106 | \$ - | \$ 5,624,206 | \$ 5,946,543 |

| Project: | | Third Ward East-West Streets Project - Phase I | | | | City Council District | | Key Map: | | WBS.: | | T-0714 | | | | | | | |
|-------------------------------------|--------------|---|-------------|---------------|------|-----------------------|------------|--------------|--------------|-------------------|----------------------------|---|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Description: | | Major roadway, public utilities, sidewalks, streetscape/pedestrian amenities, public art, public spaces (plazas & green spaces) along Elgin (288 to Scott) and McGowan (59 to Scott). | | | | Location: D | | Geo. Ref.: D | | Neighborhood: | | Operating and Maintenance Costs: (\$ Thousands) | | | | | | | |
| Justification: | | Streets, public utilities and sidewalks are in poor condition with no pedestrian amenities along corridors with high transit usage. | | | | Served: D | | 2010 | | 2011 | | 2012 | | 2013 | | 2014 | | Total | |
| | | | | | | Personnel | | | | | | | | | | | | | |
| | | | | | | Supplies | | | | | | | | | | | | | |
| | | | | | | Svcs. & Chgs. | | | | | | | | | | | | | |
| | | | | | | Capital Outlay | | | | | | | | | | | | | |
| | | | | | | Total | | \$ - | | \$ - | | \$ - | | \$ - | | \$ - | | \$ - | |
| | | | | | | FTEs | | | | | | | | | | | | | |
| Fiscal Year Planned Expenses | | | | | | | | | | | | | | | | | | | |
| Project Allocation | | Projected Expenses thru 6/30/08 | 2009 Budget | 2009 Estimate | 2010 | 2011 | 2012 | 2013 | 2014 | FY10 - FY14 Total | Cumulative Total (To Date) | | | | | | | | |
| Phase | | | | | | | | | | | | | | | | | | | |
| 1 | Planning | | | | | | | | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 2 | Acquisition | | | | | | | | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 3 | Design | | | | | | | | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 4 | Construction | | | | | | 200,000 | 1,890,000 | 2,823,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 |
| 5 | Equipment | | | | | | | | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 6 | Close-Out | | | | | | | | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 7 | Other | | | | | | | | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Other Sub-Total: | | | | | | | | | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Total Allocations | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 200,000 | \$ 1,890,000 | \$ 2,823,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 |
| Source of Funds | | | | | | | | | | | | | | | | | | | |
| TIRZ Increment Revenue | | | | | | | | | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| TIRZ Increment Bond Funds | | | | | | | 200,000 | 1,890,000 | 2,823,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 |
| Grant Funds | | | | | | | | | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Proceeds from Bank Loan | | | | | | | | | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Total Funds | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 200,000 | \$ 1,890,000 | \$ 2,823,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 | \$ 4,913,401 |

Project: Alameda Corridor Improvements- Phase IV

City Council District: D
Location: D
Served: D
Key Map:
Geo. Ref.:
Neighborhood:
WBS.:
T-0718

Description: Installation of enhanced pedestrian and street lighting between Hermann Drive and Old Spanish Trail on Alameda. Project includes landscaping, street trees or other pedestrian amenities.

Justification: Public improvements along Alameda Rd will enhance the pedestrian-oriented environment in the area and help promote development/re-development of the area.

| | Operating and Maintenance Costs: (\$ Thousands) | | | | Total |
|----------------|---|------|------|------|-------|
| | 2010 | 2011 | 2012 | 2013 | |
| Personnel | | | | | |
| Supplies | | | | | |
| Svcs. & Chgs. | | | | | |
| Capital Outlay | | | | | |
| Total | \$ - | \$ - | \$ - | \$ - | \$ - |
| FTEs | | | | | |

Fiscal Year Planned Expenses

| Phase | Projected Expenses thru 6/30/08 | 2009 Budget | 2009 Estimate | Fiscal Year Planned Expenses | | | | | FY10 - FY14 Total | Cumulative Total (To Date) |
|--------------------------|---------------------------------|-------------|---------------|------------------------------|------|------|------|------|-------------------|----------------------------|
| | | | | 2010 | 2011 | 2012 | 2013 | 2014 | | |
| 1 Planning | | | | | | | | | | |
| 2 Acquisition | | | | | | | | | | |
| 3 Design | | | | | | | | | | |
| 4 Construction | | | | 196,011 | | | | | | 196,011 |
| 5 Equipment | | | | | | | | | | |
| 6 Close-Out | | | | | | | | | | |
| 7 Other | | | | | | | | | | |
| Other Sub-Total: | | | | | | | | | | |
| Total Allocations | \$ - | \$ - | \$ - | \$ 196,011 | \$ - | \$ - | \$ - | \$ - | \$ 196,011 | \$ 196,011 |

| Source of Funds | | 2010 | 2011 | 2012 | 2013 | 2014 | FY10 - FY14 Total | Cumulative Total (To Date) |
|---------------------------|------|------------|------|------|------|------|-------------------|----------------------------|
| TIRZ Increment Revenue | | | | | | | | |
| TIRZ Increment Bond Funds | | 196,011 | | | | | 196,011 | 196,011 |
| Grant Funds | | | | | | | | |
| Proceeds from Bank Loan | | | | | | | | |
| Total Funds | \$ - | \$ 196,011 | \$ - | \$ - | \$ - | \$ - | \$ 196,011 | \$ 196,011 |

Project:

Library at Griggs Road

City Council District

D

Key Map:

D

Geo. Ref.:

D

Neighborhood:

Description:

A 22,000 sq. ft. public library to be constructed at Palm Center

Location:

D

Key Map:

D

Geo. Ref.:

D

Neighborhood:

Justification:

A new public library is needed to serve the growing residential population in the area.

WBS.:

T-0719

| | | Operating and Maintenance Costs: (\$ Thousands) | | | | | |
|----------------|--|---|------|------|------|------|-------|
| | | 2010 | 2011 | 2012 | 2013 | 2014 | Total |
| Personnel | | | | | | | \$ - |
| Supplies | | | | | | | \$ - |
| Svcs. & Chgs. | | | | | | | \$ - |
| Capital Outlay | | | | | | | \$ - |
| Total | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| FTEs | | | | | | | \$ - |

Fiscal Year Planned Expenses

| Project Allocation | Phase | Projected Expenses thru 6/30/08 | 2009 Budget | 2009 Estimate | Fiscal Year Planned Expenses | | | | | FY10 - FY14 Total | Cumulative Total (To Date) | |
|--------------------------|--------------|---------------------------------|--------------|---------------|------------------------------|------|------|------|------|-------------------|----------------------------|--------------|
| | | | | | 2010 | 2011 | 2012 | 2013 | 2014 | | | |
| 1 | Planning | | | | | | | | | | \$ - | \$ - |
| 2 | Acquisition | | | | | | | | | | \$ - | \$ - |
| 3 | Design | | 1,000,000 | | | | | | | | \$ 1,000,000 | \$ 1,000,000 |
| 4 | Construction | | | | 7,200,000 | | | | | | \$ 7,200,000 | \$ 7,200,000 |
| 5 | Equipment | | | | | | | | | | \$ - | \$ - |
| 6 | Close-Out | | | | | | | | | | \$ - | \$ - |
| 7 | Other | | | | | | | | | | \$ - | \$ - |
| Other Sub-Total: | | | | | | | | | | | \$ - | \$ - |
| Total Allocations | | \$ - | \$ 1,000,000 | \$ - | \$ 8,200,000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 8,200,000 | \$ 8,200,000 |

Source of Funds

| | | | | | | | | | | | | |
|---------------------------|--|------|--------------|------|--------------|------|------|------|------|------|--------------|--------------|
| TIRZ Increment Revenue | | | 1,000,000 | | | | | | | | \$ - | \$ - |
| TIRZ Increment Bond Funds | | | | | | | | | | | \$ - | \$ - |
| Grant Funds | | | | | | | | | | | \$ - | \$ - |
| Proceeds from Bank Loan | | | | | 8,200,000 | | | | | | \$ 8,200,000 | \$ 8,200,000 |
| Total Funds | | \$ - | \$ 1,000,000 | \$ - | \$ 8,200,000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 8,200,000 | \$ 8,200,000 |

Project: Dowling Corridor Neighborhood

City Council District: D.1
Key Map: Geo. Ref.:
Location: D.1
Served: D.1
Neighborhood:
WBS.:
T-0720

Description: Assess infrastructure in public ROW, economic development, housing & community/public facilities in the Dowling Street Corridor (streets that are parallel to and intersect Dowling Street)

Justification: Street segments, public utilities, sidewalks, housing and businesses are in poor condition. Streets are adjacent to Dowling which was "downtown" corridor for historic Third Ward.

Fiscal Year Planned Expenses

| Phase | Projected Expenses thru 6/30/08 | 2009 Budget | 2009 Estimate | Operating and Maintenance Costs: (\$ Thousands) | | | | | FY10 - FY14 Total | Cumulative Total (To Date) |
|--------------------------|---------------------------------|-------------|---------------|---|------|------|------------|------------|-------------------|----------------------------|
| | | | | 2010 | 2011 | 2012 | 2013 | 2014 | | |
| 1 Planning | | | | | | | | | | |
| 2 Acquisition | | | | | | | | | | |
| 3 Design | | | | | | | | | | |
| 4 Construction | | | | | | | | | | |
| 5 Equipment | | | | | | | 129,000 | 450,000 | 579,000 | 579,000 |
| 6 Close-Out | | | | | | | | | | |
| 7 Other | | | | | | | | | | |
| Other Sub-Total: | | | | | | | | | | |
| Total Allocations | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 129,000 | \$ 450,000 | \$ 579,000 | \$ 579,000 |

Source of Funds

| | | | | | | | | | | |
|---------------------------|--|--|--|--|--|--|---------|---------|---------|---------|
| TIRZ Increment Revenue | | | | | | | | | | |
| TIRZ Increment Bond Funds | | | | | | | 129,000 | 450,000 | 579,000 | 579,000 |
| Grant Funds | | | | | | | | | | |
| Proceeds from Bank Loan | | | | | | | | | | |
| Total Funds | | | | | | | 129,000 | 450,000 | 579,000 | 579,000 |

Project: Holman Neighborhood Project

City Council District: D,1

Key Map:

WBS.:

T-0721

Description: Assess infrastructure in public ROW, economic development, housing & community/public facilities in the Holman Street (streets that are parallel to and intersect Holman Street).

Location: D,1

Geo. Ref.: D,1

Neighborhood:

Operating and Maintenance Costs: (\$ Thousands)

| | 2010 | 2011 | 2012 | 2013 | 2014 | Total |
|----------------|------|------|------|------|------|-------|
| Personnel | | | | | | \$ - |
| Supplies | | | | | | \$ - |
| Svcs. & Chgs. | | | | | | \$ - |
| Capital Outlay | | | | | | \$ - |
| Total | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| FTEs | | | | | | \$ - |

Justification: Street segments, public utilities, sidewalks, housing and businesses are in poor condition. Streets are adjacent to the Historic Holman Street.

Fiscal Year Planned Expenses

| Phase | Project Allocation | Projected Expenses thru 6/30/08 | 2009 Budget | 2009 Estimate | Fiscal Year Planned Expenses | | | | | FY10 - FY14 Total | Cumulative Total (To Date) |
|--------------------------|--------------------|---------------------------------|-------------|---------------|------------------------------|------|------|------|------|-------------------|----------------------------|
| | | | | | 2010 | 2011 | 2012 | 2013 | 2014 | | |
| 1 | Planning | | | | | | | | | \$ - | \$ - |
| 2 | Acquisition | | | | | | | | | \$ - | \$ - |
| 3 | Design | | | | | | | | | \$ - | \$ - |
| 4 | Construction | | | | | | | | | \$ - | \$ - |
| 5 | Equipment | | | | | | | | | \$ - | \$ - |
| 6 | Close-Out | | | | | | | | | \$ - | \$ - |
| 7 | Other | | | | | | | | | \$ - | \$ - |
| Other Sub-Total: | | | | | | | | | | \$ - | \$ - |
| Total Allocations | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |

Source of Funds

| | | | | | | | | | | | |
|---------------------------|--|--|--|--|--|--|--|--|--|------|------|
| TIRZ Increment Revenue | | | | | | | | | | \$ - | \$ - |
| TIRZ Increment Bond Funds | | | | | | | | | | \$ - | \$ - |
| Grant Funds | | | | | | | | | | \$ - | \$ - |
| Proceeds from Bank Loan | | | | | | | | | | \$ - | \$ - |
| Total Funds | | | | | | | | | | \$ - | \$ - |

Project: Greater Third Ward Neighborhood Project

City Council District: D, I **Key Map:** **WBS.:** **T-0722**

Description: Assess infrastructure in public ROW in residential neighborhoods east of SH 288 & SH59, south of SH 45, west of MLK/Calhoun and southern boundaries of the TIRZ

Justification: Street segments, public utilities and sidewalks are in poor condition in residential areas adjacent to economic development corridors. Adequate infrastructure for residential areas will increase consumer base for retail/commercial development.

| | Operating and Maintenance Costs: (\$ Thousands) | | | | Total |
|----------------|---|------|------|------|-------|
| | 2010 | 2011 | 2012 | 2013 | |
| Personnel | | | | | |
| Supplies | | | | | |
| Svcs. & Chgs. | | | | | |
| Capital Outlay | | | | | |
| Total | \$ - | \$ - | \$ - | \$ - | \$ - |
| FTEs | | | | | |

Fiscal Year Planned Expenses

| Phase | Project Allocation | Projected Expenses thru 6/30/08 | 2009 Budget | 2009 Estimate | Fiscal Year Planned Expenses | | | | | FY10 - FY14 Total | Cumulative Total (To Date) | |
|--------------------------|--------------------|---------------------------------|-------------|---------------|------------------------------|------|------|------|------|-------------------|----------------------------|------|
| | | | | | 2010 | 2011 | 2012 | 2013 | 2014 | | | |
| 1 | Planning | | | | | | | | | | | |
| 2 | Acquisition | | | | | | | | | | | |
| 3 | Design | | | | | | | | | | | |
| 4 | Construction | | | | | | | | | | | |
| 5 | Equipment | | | | | | | | | | | |
| 6 | Close-Out | | | | | | | | | | | |
| 7 | Other | | | | | | | | | | | |
| Other Sub-Total: | | | | | | | | | | | | |
| Total Allocations | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |

Source of Funds

| | | | | | | | | | | | | |
|---------------------------|--|--|--|--|--|--|--|--|--|--|--|--|
| TIRZ Increment Revenue | | | | | | | | | | | | |
| TIRZ Increment Bond Funds | | | | | | | | | | | | |
| Grant Funds | | | | | | | | | | | | |
| Proceeds from Bank Loan | | | | | | | | | | | | |
| Total Funds | | | | | | | | | | | | |

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: An Ordinance approving an agreement among the City of Houston, Texas, City of Houston Reinvestment Zone Number Twenty-One, and the Hardy/Near Northside Redevelopment Authority, and approving an FY10 Operating Budget for the Hardy/Near Northside Redevelopment Authority

Category #

Page
1 of 1

Agenda Item#

37

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date

12/3/09

Agenda Date

DEC 09 2009

DIRECTOR'S SIGNATURE:

Finance Department

Michelle Mitchell

Council Districts affected:

H

For additional information contact:

Salima Pirmohamed
Tim Douglass

Phone: (713) 837-9583
(713) 837-9857

Date and identification of prior authorizing Council Action:

Ord. 2003-1258, 12/17/03, Ord. 2008-1212, 12/30/09

RECOMMENDATION: (Summary)

Adopt an ordinance approving an agreement among the City of Houston, Texas, City of Houston Reinvestment Zone Number Twenty-One, and the Hardy/Near Northside Redevelopment Authority (the "Tri-Party Agreement"), and authorizing the Redevelopment Authority to borrow up to \$1,000,000 for various operating and zone-related development costs, and approving an FY10 Operating Budget for the Hardy/Near Northside Redevelopment Authority

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING:

General Fund Grant Fund Enterprise Fund
 N/A

SPECIFIC EXPLANATION:

On December 17, 2003, City Council created Tax Increment Reinvestment Zone Number Twenty-One (Hardy/Near Northside Zone). On December 30, 2008, the City approved a Project Plan and Reinvestment Zone Financing Plan for the Zone (the "Plan"). On November 10, 2009, City Council created the Hardy/Near Northside Redevelopment Authority (the "Authority") to implement the Plan. Simultaneous with Council's consideration of this Tri-Party Agreement, Council is considering approval of an FY10 Operating Budget for the Authority.

Approval of the proposed Tri-Party Agreement and FY10 Operating Budget will empower the Authority to act on behalf of the City and the Zone to implement the Plan; contract with developers for projects provided in the approved Plan; issue or incur obligations; and use the Tax Increment generated by the Zone to pay for such obligations. Approval of this Tri-Party Agreement and FY10 Operating Budget will also authorize the Authority to borrow a maximum of \$1,000,000 to provide capital for various operating and Zone-related costs.

An FY10 Operating Budget for the Authority is attached.

cc: Marty Stein, Agenda Director
Anna Russell, City Secretary
Arturo Michel, City Attorney
Deborah McAbee, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

[Signature]

CITY OF HOUSTON
 FINANCE DEPARTMENT
 ECONOMIC DEVELOPMENT DIVISION
 FISCAL YEAR 2010 BUDGET PROFILE
 AS AMENDED

Fund Summary
 Fund Name: Hardy/Near Northside
 TIRZ: 21
 Fund Number: 7569 / 64

| | | | |
|---|-----------------------------------|----|-----------------|
| P R O J E C T P L A N | Base Year: | | 2003 |
| | Base Year Taxable Value: | \$ | 40,313,080 |
| | Projected Taxable Value (TY2009): | \$ | 88,154,055 |
| | Current Taxable Value (TY2008): | \$ | 85,958,853 |
| | Acres: | | 326.1 |
| | Administrator (Contact): | | City of Houston |
| | Contact Number: | | 713.837.7828 |

| | |
|--|---|
| N A R R A T I V E | Zone Purpose: |
| | To provide affordable housing and mobility improvements in the Near Northside. |
| N A R R A T I V E | Accomplishments in FY09 (Projects Underway): |
| | <ul style="list-style-type: none"> Approval of the first budget for the Hardy / Near Northside TIRZ. Affordable Housing Agreement between the City and Reinvestment Zone approved by Council. Funds transferred to the City Housing and Community Development Department. |

| P R O J E C T P L A N | | Cumulative Expenses | | |
|---|-------------------------------|----------------------------|------------------|-----------------|
| | | Total Plan | (to FY08) | Variance |
| | Capital Projects: | | | |
| | Mobility Improvements | 16,000,000 | \$ - | \$ 16,000,000 |
| | Total Capital Projects | \$ 16,000,000 | \$ - | \$ 16,000,000 |
| | Affordable Housing | 5,000,000 | | 5,000,000 |
| | Education Facilities | - | | - |
| | Financing Costs | 1,700,000 | | 1,700,000 |
| | Creation/Administration Costs | 2,200,000 | | 2,200,000 |
| | Total Project Plan | \$ 24,900,000 | \$ - | \$ 24,900,000 |

| D E B T | Additional Financial Data | FY2009 Budget | 2009 Projection | FY2010 Budget |
|----------------------------|---|------------------------------|------------------------------|------------------------------|
| | | Debt Service | \$ - | \$ - |
| | Principal | \$ - | \$ - | \$ - |
| | Interest | \$ - | \$ - | \$ - |
| | Year End Outstanding (Principal) | Balance as of 6/30/08 | Balance as of 6/30/09 | Balance as of 6/30/10 |
| | Bond Debt | \$ - | \$ - | \$ - |
| | Bank Loan | \$ - | \$ - | \$ - |
| | Developer Agreement | \$ - | \$ - | \$ - |
| | Other | \$ - | \$ - | \$ - |

CITY OF HOUSTON
 FINANCE DEPARTMENT
 ECONOMIC DEVELOPMENT DIVISION
 FISCAL YEAR 2010 BUDGET SUMMARY
 AS AMENDED

Fund Summary
 Fund Name: Hardy/Near Northside
 TIRZ: 21
 7569 / 64

| TIRZ Budget Line Items | FY2009 Budget | 2009 Projection | FY2010 Budget |
|---|-------------------|-------------------|-------------------|
| Available Resources | | | |
| Beginning Fund Balance | | | |
| Restricted Funds - Capital Projects | \$ - | \$ - | \$ - |
| Restricted Funds - Affd. Housing | \$ - | \$ - | \$ - |
| Restricted Funds - Bond Reserve | \$ - | \$ - | \$ - |
| Unrestricted Fund Balance | \$ 446,385 | \$ 446,385 | \$ 532,946 |
| Total Beginning Fund Balance | \$ 446,385 | \$ 446,385 | \$ 532,946 |
| TIRZ Revenue | | | |
| City | \$ 250,955 | \$ 316,784 | \$ 281,901 |
| ISD | \$ - | \$ - | \$ - |
| County | \$ - | \$ - | \$ - |
| Community College | \$ - | \$ - | \$ - |
| Total Revenues | \$ 250,955 | \$ 316,784 | \$ 281,901 |
| Bond Proceeds | \$ - | \$ - | \$ - |
| Loan Proceeds | \$ - | \$ - | \$ - |
| Grant Proceeds | \$ - | \$ - | \$ - |
| Other | \$ 15,248 | \$ 16,063 | \$ 17,100 |
| Total Available Resources | \$ 712,588 | \$ 779,232 | \$ 831,947 |
| Fund Transfers | | | |
| Affordable Housing | | | |
| City of Houston * | \$ 230,447 | \$ 230,447 | \$ 78,944 |
| ISD Increment to Houston | \$ - | \$ - | \$ - |
| Harris County | \$ - | \$ - | \$ - |
| ISD Education Set-Aside | \$ - | \$ - | \$ - |
| Municipal Services | \$ - | \$ - | \$ - |
| Administration Fee to General Fund | \$ - | \$ - | \$ - |
| COH Admin Fee (5%) | \$ 12,548 | \$ 15,839 | \$ 14,095 |
| Harris County Admin | \$ - | \$ - | \$ - |
| ISD Admin | \$ - | \$ - | \$ - |
| Total Fund Transfers | \$ 242,995 | \$ 246,286 | \$ 93,039 |
| Funds Available for Projects | \$ 469,593 | \$ 532,946 | \$ 738,908 |
| Project Costs | | | |
| Administrative Staff | \$ - | \$ - | \$ - |
| Administrative Consultant | \$ - | \$ - | \$ 7,000 |
| Legal | \$ - | \$ - | \$ 40,000 |
| Accounting/ Audit | \$ - | \$ - | \$ - |
| Program / Project Consulting | \$ - | \$ - | \$ - |
| Administrative Operating Expense | \$ - | \$ - | \$ - |
| Capital Expenditures | \$ - | \$ - | \$ - |
| Developer/ Project reimbursements | \$ - | \$ - | \$ - |
| Debt Service | | | |
| Principal | \$ - | \$ - | \$ - |
| Interest | \$ - | \$ - | \$ - |
| Other debt items | \$ - | \$ - | \$ - |
| Total Project Costs | \$ - | \$ - | \$ 47,000 |
| Total Budget | \$ 242,995 | \$ 246,286 | \$ 140,039 |
| Resources Less Transfer and Expenses | \$ 469,593 | \$ 532,946 | \$ 691,908 |
| Planned Ending Fund Balance: | | | |
| Restricted Funds - Capital Projects | \$ - | \$ - | \$ - |
| Restricted Funds - Affd. Housing | \$ - | \$ - | \$ - |
| Restricted Funds - Bond Reserve | \$ - | \$ - | \$ - |
| Unrestricted Fund Balance | \$ 469,593 | \$ 532,946 | \$ 691,908 |

* Per the Affordable Housing Agreement, the transfer amount is based on the Project Plan's Affordable Housing Schedule; FY09 Budget & Projection amount is for Tax Years 2004-2008.

CITY OF HOUSTON
 FINANCE DEPARTMENT
 ECONOMIC DEVELOPMENT DIVISION
 FISCAL YEAR 2010 BUDGET DETAIL
 AS AMENDED

Fund Summary
 Fund Name: Hardy/Near Northside
 TIRZ: 21
 7569 / 64

| TIRZ Budget Line Items | FY2009 Budget | 2009 Projection | FY2010 Budget |
|---|-------------------|-------------------|-------------------|
| RESOURCES | | | |
| RESTRICTED Funds - Capital Projects | \$ - | \$ - | \$ - |
| RESTRICTED Funds - Affordable Housing | \$ - | \$ - | \$ - |
| RESTRICTED Funds - Bond Debt Service | \$ - | \$ - | \$ - |
| UNRESTRICTED Funds | \$ 446,385 | \$ 446,385 | \$ 532,946 |
| Beginning Fund Balance | \$ 446,385 | \$ 446,385 | \$ 532,946 |
| City tax revenue | \$ 250,955 | \$ 316,784 | \$ 281,901 |
| ISD tax revenue | | | |
| County tax revenue | | | |
| Community College tax revenue | | | |
| Incremental property tax revenue | \$ 250,955 | \$ 316,784 | \$ 281,901 |
| Miscellaneous revenue | \$ - | \$ - | \$ - |
| COH TIRZ Interest | \$ 15,248 | \$ 16,063 | \$ 17,100 |
| Other Interest Income | \$ 15,248 | \$ 16,063 | \$ 17,100 |
| Developer Advances | \$ - | \$ - | \$ - |
| Grant Proceeds | \$ - | \$ - | \$ - |
| Special assessment bond proceeds | \$ - | \$ - | \$ - |
| Proceeds from bank loan | \$ - | \$ - | \$ - |
| TOTAL AVAILABLE RESOURCES | \$ 712,588 | \$ 779,232 | \$ 831,947 |

CITY OF HOUSTON
 FINANCE DEPARTMENT
 ECONOMIC DEVELOPMENT DIVISION
 FISCAL YEAR 2010 BUDGET DETAIL
 AS AMENDED

Fund Summary
 Fund Name: Hardy/Near Northside
 TIRZ: 21
 7569 / 64

| TIRZ Budget Line Items | FY2009 Budget | 2009 Projection | FY2010 Budget |
|--|-------------------|-------------------|-------------------|
| EXPENSES | | | |
| Accounting | | | |
| Administration Consultant | | | \$ 7,000 |
| Adminstration Salaries & Benefits | | | |
| Auditor | | | |
| Financial Advisor | | | |
| Insurance | | | |
| Office Expenses | \$ - | \$ - | \$ - |
| TIRZ Administration and Overhead | \$ - | \$ - | \$ 7,000 |
| Construction Audit | | | |
| Engineering Consultants | | | |
| Legal | | | \$ 40,000 |
| Project Consultant | | | |
| Program and Project Consultants | \$ - | \$ - | \$ 40,000 |
| Management consulting services | \$ - | \$ - | \$ 47,000 |
| Capital Expenditures | \$ - | \$ - | \$ - |
| TIRZ Capital Expenditures | \$ - | \$ - | \$ - |
| Developer / Project Reimbursements | \$ - | \$ - | \$ - |
| System debt service | \$ - | \$ - | \$ - |
| TOTAL PROJECT COSTS | \$ - | \$ - | \$ 47,000 |
| Payment/transfer to ISD - educational facilities | | | |
| Administration Fees: | | | |
| City | \$ 12,548 | \$ 15,839 | \$ 14,095 |
| County | | | |
| ISD | | | |
| Affordable Housing: | | | |
| City * | \$ 230,447 | \$ 230,447 | \$ 78,944 |
| ISD to City of Houston | | | |
| Transfer to Harris County | | | |
| Municipal Services (Payable to COH) | \$ - | \$ - | \$ - |
| Total Transfers | \$ 242,995 | \$ 246,286 | \$ 93,039 |
| Total Budget | \$ 242,995 | \$ 246,286 | \$ 140,039 |
| RESTRICTED Funds - Capital Projects | \$ - | \$ - | \$ - |
| RESTRICTED Funds - Affordable Housing | \$ - | \$ - | \$ - |
| RESTRICTED Funds - Bond Debt Service | \$ - | \$ - | \$ - |
| UNRESTRICTED Funds | \$ 469,593 | \$ 532,946 | \$ 691,908 |
| Total Ending Fund Balance | \$ 469,593 | \$ 532,946 | \$ 691,908 |
| Total Budget & Ending Fund Balance | \$ 712,588 | \$ 779,232 | \$ 831,947 |

Notes:
 Incremental property tax revenue and administration fee 2009 Projections based on payments from City and ISD, County is from TY08 HCAD values on 5/23/09
 Incremental property tax revenue and administration fee 2010 Budget based on forecast derived from TY09 Preliminary HCAD values on 5/23/09
 * Per the Affordable Housing Agreement, the transfer amount is based on the Project Plan's Affordable Housing Schedule; FY09 Budget & Projection amount is for Tax Years 2004-2008.

TIRZ 21: SCHEDULE FOR AFFORDABLE HOUSING

(from Exhibit 9: Estimated Revenues Hardy Yard Zone Tax Years 2004 to 2033)
EXCEPTION: AH Transfer is based on Project Plan's Rev Estimates schedule vs. Our traditional Projected Revenue 1/3 calculation

(BUDGET = ACTUAL APPROPRIATION) *

↑

| Tax Year (f) | Fiscal Year | Base Value | Projected Value (2) | Captured/Approved Value | Collection Rate | Tax Rate | Incremental Revenue | City Admin (%) | Zone Administration | Affordable Housing | Balance |
|--------------|-------------|---------------|---------------------|-------------------------|-----------------|----------|---------------------|----------------|---------------------|--------------------|------------|
| 2004 | 2005 | \$ 40,313,080 | \$ 43,481,080 | \$ 3,168,000 | 99.01% | 0.65000 | \$ 20,388 | \$ 1,019 | \$ - | \$ 6,796 | \$ 13,592 |
| 2005 | 2006 | \$ 40,313,080 | \$ 47,401,073 | \$ 7,087,993 | 95.77% | 0.64750 | \$ 43,953 | \$ 2,198 | \$ - | \$ 14,651 | \$ 29,302 |
| 2006 | 2007 | \$ 40,313,080 | \$ 65,138,505 | \$ 24,825,425 | 95.73% | 0.64500 | \$ 153,287 | \$ 7,664 | \$ - | \$ 51,096 | \$ 102,191 |
| 2007 | 2008 | \$ 40,313,080 | \$ 82,885,722 | \$ 42,572,642 | 85.47% | 0.64375 | \$ 234,240 | \$ 11,712 | \$ - | \$ 78,080 | \$ 156,160 |
| 2008 | 2009 | \$ 40,313,080 | \$ 86,190,810 | \$ 45,877,730 | 95.00% | 0.63875 | \$ 278,392 | \$ 13,920 | \$ 25,000 | \$ 79,824 | \$ 159,648 |
| 2009 | 2010 | \$ 40,313,080 | \$ 90,069,396 | \$ 49,756,316 | 95.00% | 0.63875 | \$ 301,928 | \$ 15,096 | \$ 50,000 | \$ 78,944 | \$ 157,887 |
| 2010 | 2011 | \$ 40,313,080 | \$ 94,122,519 | \$ 53,809,439 | 95.00% | 0.63875 | \$ 326,522 | \$ 16,326 | \$ 50,000 | \$ 86,732 | \$ 173,464 |
| 2011 | 2012 | \$ 40,313,080 | \$ 98,358,033 | \$ 58,044,953 | 95.00% | 0.63875 | \$ 352,224 | \$ 17,611 | \$ 50,000 | \$ 94,871 | \$ 189,742 |
| 2012 | 2013 | \$ 40,313,080 | \$ 102,784,144 | \$ 62,471,064 | 95.00% | 0.63875 | \$ 379,082 | \$ 18,954 | \$ 50,000 | \$ 103,376 | \$ 206,752 |
| 2013 | 2014 | \$ 40,313,080 | \$ 107,409,431 | \$ 67,096,351 | 95.00% | 0.63875 | \$ 407,149 | \$ 20,357 | \$ 50,000 | \$ 112,264 | \$ 224,528 |
| 2014 | 2015 | \$ 40,313,080 | \$ 112,242,855 | \$ 71,929,775 | 95.00% | 0.63875 | \$ 436,479 | \$ 21,824 | \$ 50,000 | \$ 121,552 | \$ 243,103 |
| 2015 | 2016 | \$ 40,313,080 | \$ 117,293,783 | \$ 76,980,703 | 95.00% | 0.63875 | \$ 467,129 | \$ 23,356 | \$ 50,000 | \$ 131,257 | \$ 262,515 |
| 2016 | 2017 | \$ 40,313,080 | \$ 122,572,004 | \$ 82,258,924 | 95.00% | 0.63875 | \$ 499,157 | \$ 24,958 | \$ 50,000 | \$ 141,400 | \$ 282,800 |
| 2017 | 2018 | \$ 40,313,080 | \$ 128,087,744 | \$ 87,774,664 | 95.00% | 0.63875 | \$ 532,628 | \$ 26,631 | \$ 50,000 | \$ 151,999 | \$ 303,998 |
| 2018 | 2019 | \$ 40,313,080 | \$ 133,851,692 | \$ 93,538,612 | 95.00% | 0.63875 | \$ 567,604 | \$ 28,308 | \$ 50,000 | \$ 163,075 | \$ 326,149 |
| 2019 | 2020 | \$ 40,313,080 | \$ 139,875,019 | \$ 99,561,939 | 95.00% | 0.63875 | \$ 604,154 | \$ 30,208 | \$ 50,000 | \$ 174,649 | \$ 349,298 |
| 2020 | 2021 | \$ 40,313,080 | \$ 146,169,394 | \$ 105,856,314 | 95.00% | 0.63875 | \$ 642,349 | \$ 32,117 | \$ 50,000 | \$ 186,744 | \$ 373,488 |
| 2021 | 2022 | \$ 40,313,080 | \$ 152,747,017 | \$ 112,433,937 | 95.00% | 0.63875 | \$ 682,263 | \$ 34,113 | \$ 50,000 | \$ 199,383 | \$ 398,767 |
| 2022 | 2023 | \$ 40,313,080 | \$ 159,620,633 | \$ 119,307,553 | 95.00% | 0.63875 | \$ 723,973 | \$ 36,199 | \$ 50,000 | \$ 212,591 | \$ 425,183 |
| 2023 | 2024 | \$ 40,313,080 | \$ 166,803,561 | \$ 126,490,481 | 95.00% | 0.63875 | \$ 767,560 | \$ 38,378 | \$ 50,000 | \$ 226,394 | \$ 452,788 |
| 2024 | 2025 | \$ 40,313,080 | \$ 174,309,722 | \$ 133,996,642 | 95.00% | 0.63875 | \$ 813,108 | \$ 40,655 | \$ 50,000 | \$ 240,818 | \$ 481,635 |
| 2025 | 2026 | \$ 40,313,080 | \$ 182,153,659 | \$ 141,840,579 | 95.00% | 0.63875 | \$ 860,706 | \$ 43,035 | \$ 50,000 | \$ 255,890 | \$ 511,781 |
| 2026 | 2027 | \$ 40,313,080 | \$ 190,350,574 | \$ 150,037,494 | 95.00% | 0.63875 | \$ 910,446 | \$ 45,522 | \$ 50,000 | \$ 271,641 | \$ 543,283 |
| 2027 | 2029 | \$ 40,313,080 | \$ 198,916,350 | \$ 158,603,270 | 95.00% | 0.63875 | \$ 962,424 | \$ 48,121 | \$ 50,000 | \$ 288,101 | \$ 576,202 |
| 2029 | 2030 | \$ 40,313,080 | \$ 207,867,585 | \$ 167,554,505 | 95.00% | 0.63875 | \$ 1,016,742 | \$ 50,837 | \$ 50,000 | \$ 305,302 | \$ 610,603 |
| 2030 | 2031 | \$ 40,313,080 | \$ 217,221,627 | \$ 176,908,547 | 95.00% | 0.63875 | \$ 1,073,503 | \$ 53,675 | \$ 50,000 | \$ 323,276 | \$ 646,552 |
| 2031 | 2032 | \$ 40,313,080 | \$ 226,996,600 | \$ 186,683,520 | 95.00% | 0.63875 | \$ 1,132,819 | \$ 56,641 | \$ 50,000 | \$ 342,059 | \$ 684,119 |
| 2032 | 2033 | \$ 40,313,080 | \$ 237,211,447 | \$ 196,898,367 | 95.00% | 0.63875 | \$ 1,194,804 | \$ 59,740 | \$ 50,000 | \$ 361,688 | \$ 723,376 |
| 2033 | 2034 | \$ 40,313,080 | \$ 247,885,962 | \$ 207,572,882 | 95.00% | 0.63875 | \$ 1,259,578 | \$ 62,979 | \$ 50,000 | \$ 382,200 | \$ 764,400 |

Notes:

- (1) Where applicable, values for the column headings are actual for Tax Years 2004 to 2008.
- (2) For Tax Years 2009 to 2033 an annual rate of growth of 4.5% is assumed.

Per Affordable Housing Agreement:

- (1) Obligations of the Zone Beginning with the Fiscal Year 2009, the Parties agree that the estimated annual amounts shown on Exhibit 9 of the Plans will be designated for affordable housing. For Fiscal Year 2009 and each subsequent Fiscal Year until the termination of the Zone, the City shall appropriate to Fund 2409 (or successor fund into which TIRZ affordable housing revenues are deposited) the amount shown for affordable housing costs in the City Council approved Operating Budget for the Zone for the Fiscal Year. Any amounts designated under this Agreement that are not appropriated in the Fiscal Year when due shall accrue to the subsequent Fiscal Year(s) until paid.

* FY09 Budget for Aff Hsing = TY04-08 \$ 230,447
 FY10 Budget for Aff Hsing \$ 78,944
 FY11 Budget for Aff Hsing \$ 86,732
 FY12 Budget for Aff Hsing \$ 94,871

TIRZ 21: CARRYFORWARD BUDGET SCHEDULE FOR AFFORDABLE HOUSING

| Tax Year (1) | Fiscal Year | Affordable Housing per Project Plan | FY Budget | Carryforward to next FY | Notes |
|--------------|-------------|-------------------------------------|------------|-------------------------|------------|
| 2004 | 2005 | \$ 6,796 | | | |
| 2005 | 2006 | \$ 14,651 | | | |
| 2006 | 2007 | \$ 51,096 | | | |
| 2007 | 2008 | \$ 78,080 | | | |
| 2008 | 2009 | \$ 79,824 | \$ 230,447 | \$ - | 1st budget |
| 2009 | 2010 | \$ 78,944 | \$ 78,944 | \$ - | |
| 2010 | 2011 | \$ 86,732 | | | |
| 2011 | 2012 | \$ 94,871 | | | |
| 2012 | 2013 | \$ 103,376 | | | |
| 2013 | 2014 | \$ 112,264 | | | |
| 2014 | 2015 | \$ 121,552 | | | |
| 2015 | 2016 | \$ 131,257 | | | |
| 2016 | 2017 | \$ 141,400 | | | |
| 2017 | 2018 | \$ 151,999 | | | |
| 2018 | 2019 | \$ 163,075 | | | |
| 2019 | 2020 | \$ 174,649 | | | |
| 2020 | 2021 | \$ 186,744 | | | |
| 2021 | 2022 | \$ 199,383 | | | |
| 2022 | 2023 | \$ 212,591 | | | |
| 2023 | 2024 | \$ 226,394 | | | |
| 2024 | 2025 | \$ 240,818 | | | |
| 2025 | 2026 | \$ 255,890 | | | |
| 2026 | 2027 | \$ 271,641 | | | |
| 2027 | 2029 | \$ 288,101 | | | |
| 2029 | 2030 | \$ 305,302 | | | |
| 2030 | 2031 | \$ 323,276 | | | |
| 2031 | 2032 | \$ 342,059 | | | |
| 2032 | 2033 | \$ 361,688 | | | |
| 2033 | 2034 | \$ 382,200 | | | |

Per Affordable Housing Agreement:

(1) Obligations of the Zone

Beginning with the Fiscal Year 2009, the Parties agree that the estimated annual amounts shown on Exhibit 9 of the Plans will be designated for affordable housing. For Fiscal Year 2009 and each subsequent Fiscal Year until the termination of the Zone, the City shall appropriate to Fund 2409 (or successor fund into which TIRZ affordable housing revenues are deposited) the amount shown for affordable housing costs in the City Council approved Operating Budget for the Zone for the Fiscal Year. *Any amounts designated under this Agreement that are not appropriated in the Fiscal Year when due shall accrue to the subsequent Fiscal Year(s) until paid.*

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: An Ordinance approving the First Amended Project Plan and Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone No. 21 (Hardy/Near Northside Zone).

Category #

Page
1 of 1

Agenda Item#

38

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date

12-3-09

Agenda Date

DEC 09 2009

DIRECTOR'S SIGNATURE:

Finance Department

Michelle Mitchell

Council Districts affected:

H

For additional information contact:

Salima Pirmohamed
Tim Douglass

Phone: (713) 837-9583
(713) 837-9857

Date and identification of prior authorizing Council Action:

Ord. 2003-1258 12/17/03, 2008-1212 12/30/08, 2009-32 11/10/09

RECOMMENDATION: (Summary)

Adopt an Ordinance approving the First Amended Project Plan and Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone No. 21 (Hardy/Near Northside Zone).

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING:

General Fund Grant Fund Enterprise Fund
 N/A

SPECIFIC EXPLANATION:

The City of Houston, Hardy/Near Northside Tax Increment Reinvestment Zone Number Twenty-One (TIRZ No. 21) was created by City Council by Ordinance 2003-1258 on December 17, 2003. Subsequently, City Council approved a Project Plan and Reinvestment Zone Financing Plan (the "Plan") for the Zone by Ordinance 2008-1212, on December 30, 2008, and created the Hardy/Near Northside Redevelopment Authority to help implement the Plan by Resolution No. 2009-32 on November 10, 2009. On November 9, 2009, the Board of Directors of TIRZ No. 21 approved the First Amended Project Plan and Reinvestment Zone Financing Plan and forwarded the proposed amendment to the City for consideration.

The proposed Amended Project Plan and Reinvestment Zone Financing Plan supplements the goals and objectives included in the Plan. Those goals include the design and construction of roadway and sidewalk improvements, provisions for public utility system improvements, parks, and affordable housing. The proposed Amended Plan will address distressed infrastructure conditions and other quality of life issues. Overall, project costs will increase by \$42 million from the Plan.

To support the City's efforts in this regard, the Finance Department recommends the approval of the Amended Plan for TIRZ No. 21.

Attachments: Amended Project Plan and Reinvestment Zone Financing Plan

cc: Marty Stein, Agenda Director
Anna Russell, City Secretary
Arturo Michel, City Attorney
Deborah McAbee, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

[Signature]

City of Houston, Texas, Ordinance No. 2009-_____

AN ORDINANCE APPROVING THE FIRST AMENDED PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR REINVESTMENT ZONE NUMBER TWENTY-ONE, CITY OF HOUSTON, TEXAS (HARDY/NEAR NORTHSIDE ZONE); AUTHORIZING THE CITY SECRETARY TO DISTRIBUTE SUCH PLANS; CONTAINING VARIOUS PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND DECLARING AN EMERGENCY.

Denna Capps

**TAX INCREMENT REINVESTMENT ZONE NUMBER TWENTY-ONE
CITY OF HOUSTON, TEXAS**

HARDY/NEAR NORTHSIDE ZONE

**First Amended
Project Plan and Reinvestment Zone Financing Plan**

Amended November 9, 2009

TAX INCREMENT REINVESTMENT ZONE NUMBER TWENTY-ONE
CITY OF HOUSTON, TEXAS
HARDY/NEAR NORTHSIDE ZONE
First Amended Project Plan and Reinvestment Zone Financing Plan

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TAX INCREMENT REINVESTMENT ZONE NUMBER TWENTY-ONE
HARDY/NEAR NORTHSIDE ZONE
PART B – AMENDING THE PROJECT PLAN
AND REINVESTMENT ZONE FINANCING PLAN

Amended November 9, 2009

Overview

Reinvestment Zone Number Twenty-One, City of Houston, Texas, also known as the Hardy/Near Northside Zone (“Zone”) was created by Ordinance No. 2003-1258 on December 17, 2003 for the purposes of development and redevelopment in an area covering approximately 326.1 acres generally bounded by Quitman Street on the North, U.S. Highway 59 on the East, Interstate 10 on the South, and Interstate Highway 45 on the West. The City adopted a Project Plan and Reinvestment Zone Financing Plan for the area by Ordinance No. 2008-1212 on December 30, 2008, (the “Part A Plan”). The Zone and the City now desire to amend the Part A Plan as described herein, (the “Part B Plan”).

Both the Part A Plan and the Part B Plan cover a total of 326.1 acres. The primary focus of the Part A Plan was to facilitate affordable housing, transit orientated mixed-use development, and the extension and potential grade separation of San Jacinto Street north from the Interstate 10 to the southern terminus of Fulton Street. The Part B Plan restates the goals and objectives included in the Part A Plan, including the design and construction of roadway and sidewalk improvements and affordable housing. It also adds new project categories, including provisions for public utility system improvements and parks, and addresses distressed infrastructure conditions and quality-of-life issues. Overall, project costs will increase by \$42.4 million from the Part A Plan.

Part B Plan Objectives

Existing Uses and Current Site Conditions. Generally, land uses within the area vary greatly, but are comprised predominately of vacant lots, tax-exempt properties, utility and railroad easements and rights-of-way, single family residences, and industrial and commercial uses. Much of the remaining commercial and industrial building stock is vacant or in a deteriorated condition. Public infrastructure is either aged, in poor condition, or undersized. Most existing streets have either no or substandard sidewalks.

Part B Plan Initiatives. The Part B Plan addresses recent and historic negative trends within the Zone by creating a viable and attractive environment for new investment and redevelopment. Improvements have been identified that will enhance the community by attracting new businesses and residents to the area. Part B Plan projects include upgrades and improvements to public utility systems, public roadways and thoroughfares, transit facilities, trail systems, parks, provisions for public art, lighting, landscaping and environmental remediation. The goals of the Zone are to create a new urban neighborhood and gateways between the Near Northside and adjacent districts through the development of connections with other neighborhoods and activity centers, and enhance the sense of civic pride for area residents. In addition to the improvements

contemplated by the Part A Plan, the Part B Plan includes improvements listed as eligible project costs and which are located throughout the Zone:

- *Create pedestrian-friendly, safe environments through the reconstruction of streets and sidewalks, with ample lighting and streetscape amenities.* Streetscape enhancements are required to create an environment to stimulate investment in retail, residential, and commercial developments. Enhanced streetscape components include sidewalks, lighting, signage, street trees, landscaping, benches, and other pedestrian amenities. The construction of sidewalk systems, including ADA complaint ramps, will improve pedestrian safety, enhance the visual environment, and provide connectivity both within the community and to adjacent districts.
- *Redevelopment and upgrades to public green space, parks, and other appropriate recreational facilities.* Public infrastructure, regional trail systems and other enhancements to area parks and other public open green space will attract and support redevelopment and improve the quality of life of area neighborhoods and visitors.
- *Expand pedestrian-attractive retail developments.* Providing base-level retail functionality is essential to the continued expansion of residential projects in the area through the implementation of enhanced pedestrian amenities with an emphasis on parking, lighting, street trees, landscaping, wide sidewalks, and public art.
- *Metropolitan Transit Authority (METRO) Initiatives and complementing the revitalization activities proposed to occur along the METRO North Corridor Alignment.* METRO funding of public transit systems can be complemented by Zone activities including the funding of streetscape upgrades, right-of-way acquisition, and provisions for parking to serve retail needs. The METRO Solutions North Corridor alignment located within the Zone includes a proposed Burnett Plaza Intermodal Terminal. The planned facility would provide for light rail, bus services, car pool, and bicycle and pedestrian modes of transportation. This METRO program, when executed, will significantly impact economic development within the Zone and facilitate the construction of transit-oriented development. A primary goal of the Part B Plan is to maximize the positive economic impacts of the METRO initiatives.
- *Cultural and Public Facilities; Affordable Housing.* Increasing public and cultural facilities and affordable housing for current residents as well as for the Downtown workforce is an important public policy goal of the Part B Plan. Zone funds will be leveraged with private, public, and non-profit developers to integrate affordable housing into proposed redevelopment projects within the City. The Part B Plan provides for one-third of Zone revenues to be made available for affordable housing within or outside the Zone. These projects, along with improved infrastructure, additional fire, police, library, and public health facilities, and cultural and community centers, will improve security and enhance the quality of life for existing and new residents and businesses in the Zone.
- *Infrastructure Improvements.* Public streets and public utility systems are needed to create an environment that will stimulate private investment in retail, residential, multi-family, and commercial developments. Construction of key streets and utility systems will enhance the level of service in the area, improve functionality, replace aged facilities, and improve aesthetics.

All roadway improvements will be integrated with the street reconstruction programs of the City of Houston, TXDOT, METRO, and others as needed, and where possible will include elements not included by those programs. Attention will be focused on leveraging Zone funds through the funding of elements not addressed by the capital improvement programs of sister agencies.

Existing and Proposed Uses of Land in the Zone.

Map 1 reflects existing land uses in the Zone.

Map 2 reflects proposed uses of land in the Zone.

Estimated Non-Project Cost Items.

Non-Project Costs represent costs and expenditures for projected private and public investments that will not be funded by the Zone. The estimated cost for the METRO North Light Rail Line is \$677,000,000. In addition, the CRV Hardy Yards, L.P. mixed use project will invest an estimated \$380,000,000 in private and public improvements as part of the development.

There are no proposed changes of any city ordinance, master plan, or building codes. All construction will be done in conformance with existing rules and regulations of the City of Houston. No residents will be displaced by any of the projects to be undertaken by the Zone.

Part B Financing Plan

Estimated Project Costs. Exhibit 1 details estimated project costs, including administrative and educational project costs. The Part A Plan contained the categories of affordable housing and mobility improvements; the Part B Plan adds streetscape and other pedestrian enhancements, public green space and other appropriate recreational facilities, cultural and public facilities, public infrastructure, and METRO initiatives. Exhibit 1 includes the costs for the Part A Plan as those projects remain part of the overall Plan.

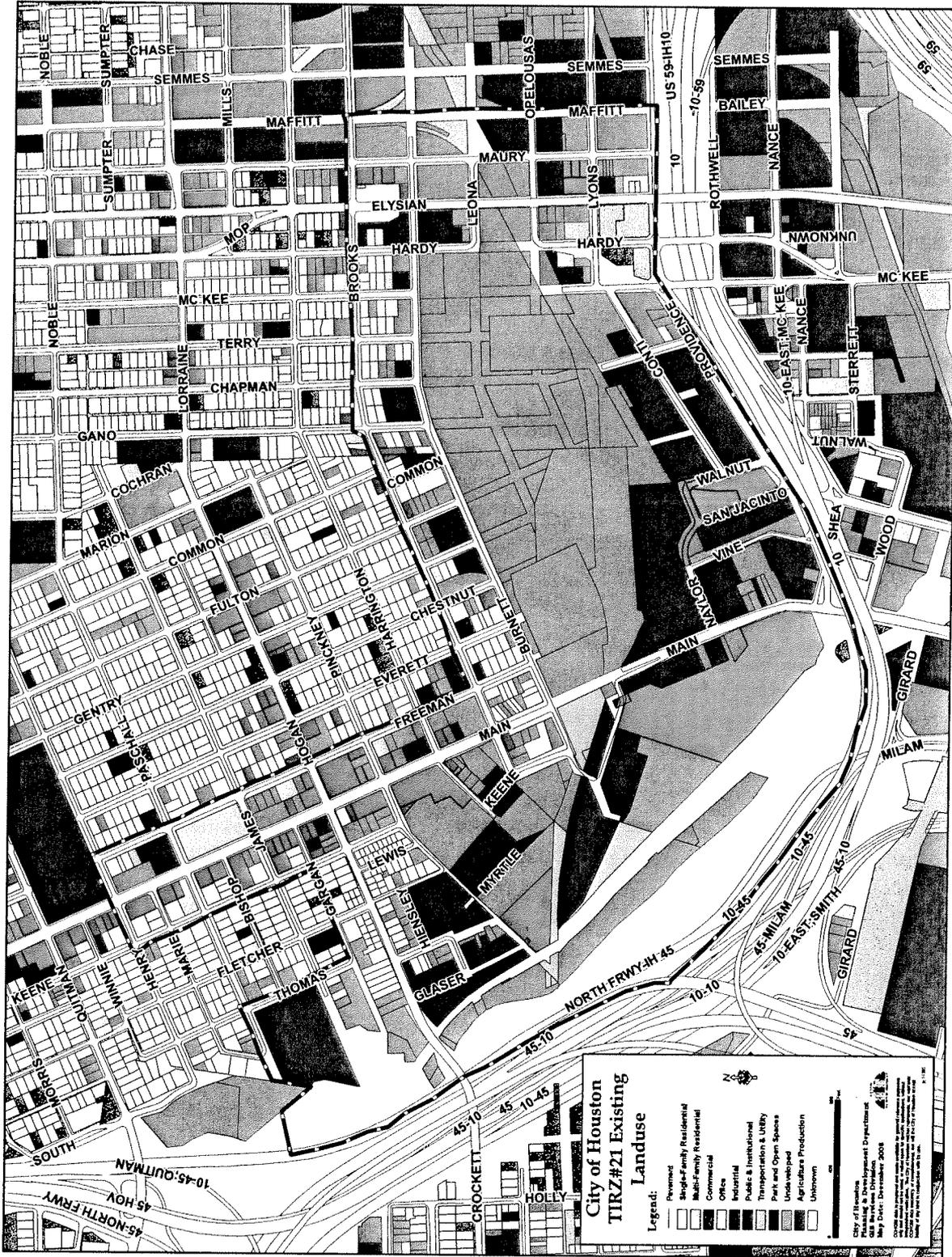
Economic Feasibility. Exhibit 2 reflects updated revenue estimates for the Zone. These estimates detail the total appraised value, the captured appraised value, and the net revenue for the Zone over the remaining life of the Zone.

Bonded Indebtedness/Methods of Financing. No Bonds have been issued. The Zone will explore available financing methods including, but not limited to, short-term notes, developer agreement financing, and collaboration with other entities for grant funding and partnerships. The value of these potential financing methods will correlate to the debt capacity as derived from the revenue and project schedules attached hereto.

Reinvestment Zone Duration. The Zone was created on December 17, 2003 and will terminate on December 31, 2033, for a duration of 30 years.

EXHIBITS

Map 1 – Map of Existing Land Uses within the Zone



Map 2 – Map of Proposed Land Uses in the Zone

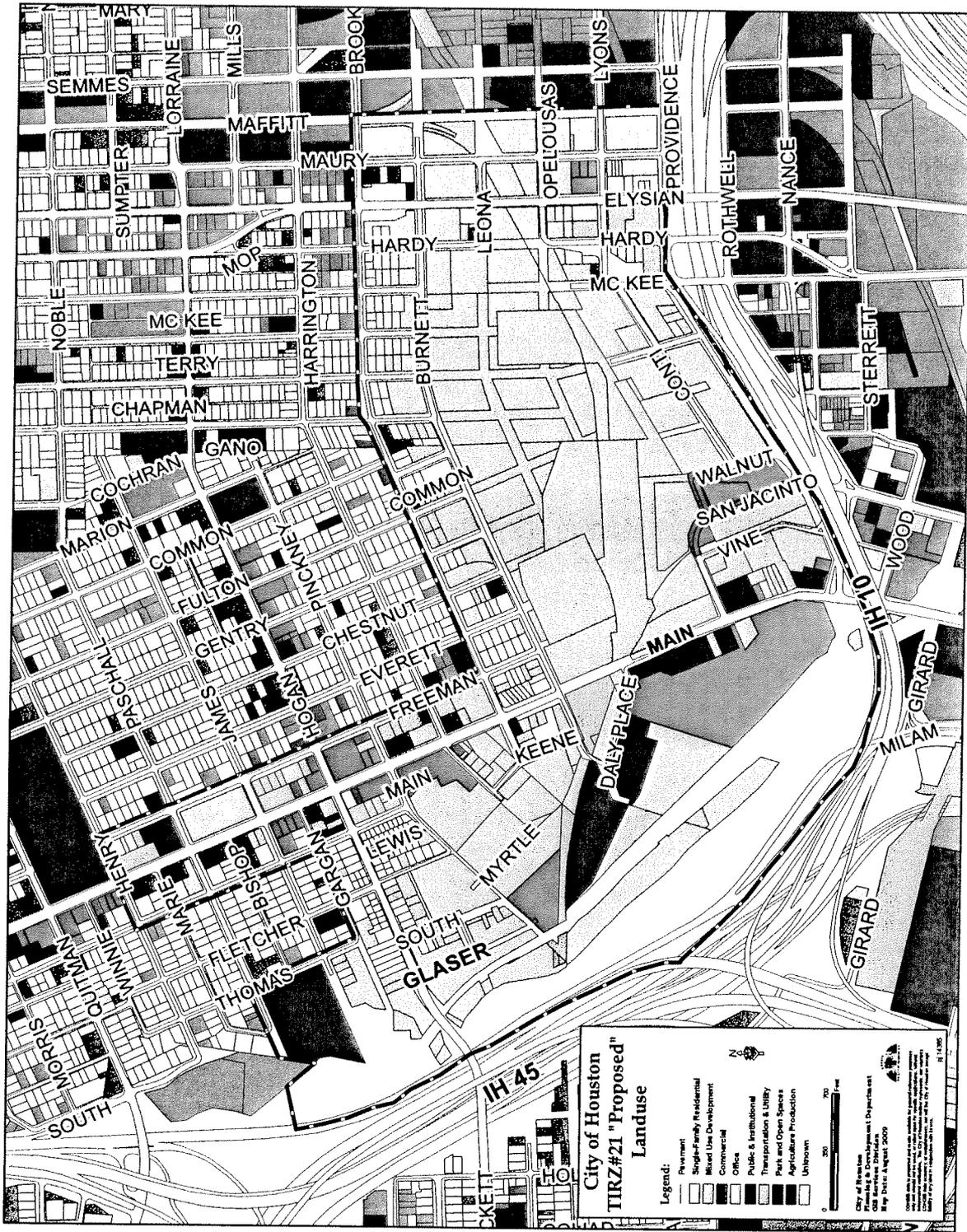


Exhibit I – Parts A and B Project Costs

Project Cost Amendments: The following table includes the approved project cost for the Part A Plan and the changes made to those budgets through this Part B Amendment:

| | Estimated Costs 2008 Plan | Estimated Costs 2009 Plan | Cumulative |
|---|------------------------------|------------------------------|----------------------|
| Infrastructure Improvements: | | | |
| Roadway and Sidewalk Improvements - Part A | | | |
| Roadway, Sidewalk and Landscape Improvements | \$ 16,000,000 | \$ - | \$ 16,000,000 |
| Roadway and Sidewalk - Part B | | | |
| Roadway, Sidewalk and Landscape Improvements | \$ - | \$ 21,692,000 | \$ 21,692,000 |
| Total Roadway and Sidewalk - Parts A & B | \$ 16,000,000 | \$ 21,692,000 | \$ 37,692,000 |
| Public Utility Improvements - Part A | | | |
| Public Utility Improvements | \$ - | \$ - | \$ - |
| Public Utility Improvements - Part B | | | |
| Public Utility Improvements - Part B | \$ - | \$ 1,929,000 | \$ 1,929,000 |
| Total Public Utility Improvements - Parts A & B | \$ - | \$ 1,929,000 | \$ 1,929,000 |
| Total Infrastructure Improvements - Parts A & B | \$ 16,000,000 | \$ 23,621,000 | \$ 39,621,000 |
| Other Project Costs: | | | |
| Parks and Recreational Facilities Improvements - Part A: | | | |
| Parks, Plazas and Public Space Improvements | \$ - | \$ - | \$ - |
| Parkland Recreational Facilities Improvements - Part B: | | | |
| Parks, Plazas and Public Space Improvements | \$ - | \$ 1,440,000 | \$ 1,440,000 |
| Total Parks and Recreational Facilities Improvements - Parts A & B | \$ - | \$ 1,440,000 | \$ 1,440,000 |
| Land Acquisition - Part A | | | |
| Land Assembly, Site Preparation, Environmental Remediation | \$ - | \$ - | \$ - |
| Land Acquisition - Part B | | | |
| Land Assembly, Site Preparation, Environmental Remediation | \$ - | \$ 4,820,000 | \$ 4,820,000 |
| Total Land Acquisition - Parts A & B | \$ - | \$ 4,820,000 | \$ 4,820,000 |
| Project Financing Costs - Parts A & B | | | |
| Financing Cost | \$ 1,700,000 | \$ - | \$ 1,700,000 |
| Total Project Financing Costs - Parts A & B | \$ 1,700,000 | \$ - | \$ 1,700,000 |
| Zone Creation and Operations - Parts A & B | | | |
| Zone Administration | \$ 2,200,000 | \$ - | \$ 2,200,000 |
| Total Creation Costs - Parts A & B | \$ 2,200,000 | \$ - | \$ 2,200,000 |
| Affordable Housing Costs - Part A | | | |
| Affordable Housing | \$ 5,000,000 | \$ - | \$ 5,000,000 |
| Affordable Housing Costs - Part B | | | |
| Affordable Housing | \$ - | \$ 12,500,000 | \$ 12,500,000 |
| Total Affordable Housing Costs - Parts A & B | \$ 5,000,000 | \$ 12,500,000 | \$ 17,500,000 |
| Total Other Project Costs - Parts A & B | \$ 8,900,000 | \$ 18,760,000 | \$ 27,660,000 |
| PROJECT PLAN TOTAL | \$ 24,900,000 | \$ 42,381,000 | \$ 67,281,000 |

Part B Plan Revenue Schedule
Exhibit 2

TIRZ 21 (Hardy Yards Zone) Revenue Schedule
2009 Amended Project Plan and Reinvestment Zone Financing Plan

| TY | Non-Cypress Revenue | Cypress Revenue | Total Revenue | Net Revenue (Less Transfers and Affordable Housing) |
|-----------|---------------------|----------------------|----------------------|---|
| 2009 | \$ 189,936 | \$ 61,431 | \$ 251,367 | \$ 105,010 |
| 2010 | \$ 214,759 | \$ 63,262 | \$ 278,022 | \$ 121,447 |
| 2011 | \$ 234,783 | \$ 63,262 | \$ 298,045 | \$ 133,795 |
| 2012 | \$ 255,707 | \$ 63,262 | \$ 318,970 | \$ 146,698 |
| 2013 | \$ 277,574 | \$ 213,251 | \$ 490,825 | \$ 252,675 |
| 2014 | \$ 300,424 | \$ 414,135 | \$ 714,559 | \$ 390,645 |
| 2015 | \$ 324,302 | \$ 1,028,585 | \$ 1,352,887 | \$ 784,280 |
| 2016 | \$ 349,255 | \$ 1,360,105 | \$ 1,709,360 | \$ 1,004,105 |
| 2017 | \$ 375,331 | \$ 1,638,120 | \$ 2,013,451 | \$ 1,191,628 |
| 2018 | \$ 402,580 | \$ 1,811,880 | \$ 2,214,460 | \$ 1,315,584 |
| 2019 | \$ 431,056 | \$ 1,881,226 | \$ 2,312,281 | \$ 1,375,907 |
| 2020 | \$ 460,813 | \$ 1,904,921 | \$ 2,365,734 | \$ 1,408,869 |
| 2021 | \$ 491,908 | \$ 1,904,921 | \$ 2,396,830 | \$ 1,428,045 |
| 2022 | \$ 524,404 | \$ 1,953,205 | \$ 2,477,608 | \$ 1,477,858 |
| 2023 | \$ 558,361 | \$ 1,953,205 | \$ 2,511,566 | \$ 1,498,799 |
| 2024 | \$ 593,847 | \$ 1,953,205 | \$ 2,547,051 | \$ 1,520,682 |
| 2025 | \$ 630,929 | \$ 2,027,917 | \$ 2,658,846 | \$ 1,589,622 |
| 2026 | \$ 669,680 | \$ 2,027,917 | \$ 2,697,597 | \$ 1,613,518 |
| 2027 | \$ 710,175 | \$ 2,027,917 | \$ 2,738,092 | \$ 1,638,490 |
| 2028 | \$ 752,493 | \$ 2,105,465 | \$ 2,857,958 | \$ 1,712,407 |
| 2029 | \$ 796,714 | \$ 2,105,465 | \$ 2,902,179 | \$ 1,739,677 |
| 2030 | \$ 842,925 | \$ 2,158,794 | \$ 3,001,719 | \$ 1,801,060 |
| 2031 | \$ 891,216 | \$ 2,185,959 | \$ 3,077,175 | \$ 1,847,591 |
| 2032 | \$ 941,681 | \$ 2,185,959 | \$ 3,127,639 | \$ 1,878,711 |
| 2033 | \$ 994,416 | \$ 2,185,959 | \$ 3,180,374 | \$ 1,911,231 |
| \$ | 13,215,269 | \$ 37,279,328 | \$ 50,494,598 | \$ 29,888,335 |

**Part B Plan Revenue Schedule
Exhibit 9 AS AMENDED**

**TR121 (Hardy/Near Northside Zone) Revenue Schedule
2009 First Amended Project Plan and Reinvestment Zone Financing Plan**

| Tax Year | Base Values (1) | | Projected Value | | Collection Rate (2) | Tax Rate | Increment Revenue | | Affordable Housing (3) | City Admin (5%) | Zone Administration | Net Revenue(Less Transfers and AH) |
|--------------|-----------------|--------------|-----------------|---------------|---------------------|----------|-------------------|---------------|------------------------|-----------------|---------------------|------------------------------------|
| | Non-Cypress | Cypress | Non-Cypress | Cypress | | | Non-Cypress | Cypress | | | | |
| 2009 | \$ 37,937,190 | \$ 2,375,890 | \$ 70,170,868 | \$ 12,801,264 | 92.25% | 0.63875 | \$ 189,936 | \$ 61,431 | \$ 251,367 | \$ 83,788 | \$ 12,568 | \$ 105,010 |
| 2010 | \$ 37,937,190 | \$ 2,375,890 | \$ 73,328,578 | \$ 12,801,264 | 95.00% | 0.63875 | \$ 214,759 | \$ 63,262 | \$ 278,022 | \$ 92,674 | \$ 13,901 | \$ 121,447 |
| 2011 | \$ 37,937,190 | \$ 2,375,890 | \$ 76,628,364 | \$ 12,801,264 | 95.00% | 0.63875 | \$ 234,783 | \$ 63,262 | \$ 298,045 | \$ 99,348 | \$ 14,902 | \$ 133,795 |
| 2012 | \$ 37,937,190 | \$ 2,375,890 | \$ 80,076,641 | \$ 12,801,264 | 95.00% | 0.63875 | \$ 255,707 | \$ 63,262 | \$ 318,970 | \$ 106,323 | \$ 15,948 | \$ 146,698 |
| 2013 | \$ 37,937,190 | \$ 2,375,890 | \$ 83,680,090 | \$ 12,801,264 | 95.00% | 0.63875 | \$ 277,574 | \$ 213,251 | \$ 490,825 | \$ 163,608 | \$ 24,541 | \$ 252,675 |
| 2014 | \$ 37,937,190 | \$ 2,375,890 | \$ 87,445,694 | \$ 12,801,264 | 95.00% | 0.63875 | \$ 300,424 | \$ 414,135 | \$ 714,559 | \$ 238,186 | \$ 35,728 | \$ 390,645 |
| 2015 | \$ 37,937,190 | \$ 2,375,890 | \$ 91,360,750 | \$ 12,801,264 | 95.00% | 0.63875 | \$ 324,302 | \$ 1,028,585 | \$ 1,352,887 | \$ 450,962 | \$ 67,644 | \$ 784,280 |
| 2016 | \$ 37,937,190 | \$ 2,375,890 | \$ 95,492,884 | \$ 12,801,264 | 95.00% | 0.63875 | \$ 349,255 | \$ 1,360,105 | \$ 1,709,360 | \$ 569,787 | \$ 85,468 | \$ 1,004,105 |
| 2017 | \$ 37,937,190 | \$ 2,375,890 | \$ 99,790,063 | \$ 12,801,264 | 95.00% | 0.63875 | \$ 375,331 | \$ 1,638,120 | \$ 2,013,451 | \$ 671,150 | \$ 100,673 | \$ 1,191,628 |
| 2018 | \$ 37,937,190 | \$ 2,375,890 | \$ 104,280,616 | \$ 12,801,264 | 95.00% | 0.63875 | \$ 402,580 | \$ 1,811,880 | \$ 2,214,460 | \$ 738,153 | \$ 110,723 | \$ 1,315,584 |
| 2019 | \$ 37,937,190 | \$ 2,375,890 | \$ 108,973,244 | \$ 12,801,264 | 95.00% | 0.63875 | \$ 431,056 | \$ 1,881,226 | \$ 2,312,281 | \$ 770,760 | \$ 115,614 | \$ 1,498,669 |
| 2020 | \$ 37,937,190 | \$ 2,375,890 | \$ 113,877,040 | \$ 12,801,264 | 95.00% | 0.63875 | \$ 460,813 | \$ 1,904,921 | \$ 2,365,734 | \$ 788,578 | \$ 118,287 | \$ 1,428,045 |
| 2021 | \$ 37,937,190 | \$ 2,375,890 | \$ 119,001,507 | \$ 12,801,264 | 95.00% | 0.63875 | \$ 491,908 | \$ 1,904,921 | \$ 2,396,830 | \$ 788,943 | \$ 119,841 | \$ 1,477,858 |
| 2022 | \$ 37,937,190 | \$ 2,375,890 | \$ 124,356,574 | \$ 12,801,264 | 95.00% | 0.63875 | \$ 524,404 | \$ 1,953,205 | \$ 2,477,608 | \$ 825,969 | \$ 123,880 | \$ 1,498,799 |
| 2023 | \$ 37,937,190 | \$ 2,375,890 | \$ 129,952,620 | \$ 12,801,264 | 95.00% | 0.63875 | \$ 558,361 | \$ 1,953,205 | \$ 2,511,566 | \$ 837,189 | \$ 125,578 | \$ 1,520,882 |
| 2024 | \$ 37,937,190 | \$ 2,375,890 | \$ 135,800,488 | \$ 12,801,264 | 95.00% | 0.63875 | \$ 593,847 | \$ 1,953,205 | \$ 2,547,051 | \$ 849,017 | \$ 127,353 | \$ 1,589,622 |
| 2025 | \$ 37,937,190 | \$ 2,375,890 | \$ 141,911,510 | \$ 12,801,264 | 95.00% | 0.63875 | \$ 630,929 | \$ 2,027,917 | \$ 2,658,846 | \$ 866,282 | \$ 132,942 | \$ 1,613,518 |
| 2026 | \$ 37,937,190 | \$ 2,375,890 | \$ 148,297,528 | \$ 12,801,264 | 95.00% | 0.63875 | \$ 669,680 | \$ 2,027,917 | \$ 2,697,597 | \$ 899,199 | \$ 134,880 | \$ 1,638,490 |
| 2027 | \$ 37,937,190 | \$ 2,375,890 | \$ 154,970,917 | \$ 12,801,264 | 95.00% | 0.63875 | \$ 710,175 | \$ 2,027,917 | \$ 2,738,092 | \$ 912,697 | \$ 136,905 | \$ 1,712,407 |
| 2028 | \$ 37,937,190 | \$ 2,375,890 | \$ 161,944,608 | \$ 12,801,264 | 95.00% | 0.63875 | \$ 752,483 | \$ 2,105,465 | \$ 2,857,958 | \$ 952,653 | \$ 142,898 | \$ 1,801,060 |
| 2029 | \$ 37,937,190 | \$ 2,375,890 | \$ 169,232,116 | \$ 12,801,264 | 95.00% | 0.63875 | \$ 796,714 | \$ 2,105,465 | \$ 2,902,179 | \$ 967,393 | \$ 145,109 | \$ 1,847,591 |
| 2030 | \$ 37,937,190 | \$ 2,375,890 | \$ 176,847,561 | \$ 12,801,264 | 95.00% | 0.63875 | \$ 842,925 | \$ 2,158,794 | \$ 3,001,719 | \$ 1,025,725 | \$ 150,086 | \$ 1,911,231 |
| 2031 | \$ 37,937,190 | \$ 2,375,890 | \$ 184,805,701 | \$ 12,801,264 | 95.00% | 0.63875 | \$ 891,216 | \$ 2,185,959 | \$ 3,077,175 | \$ 1,042,546 | \$ 156,382 | \$ 1,978,711 |
| 2032 | \$ 37,937,190 | \$ 2,375,890 | \$ 193,121,958 | \$ 12,801,264 | 95.00% | 0.63875 | \$ 941,681 | \$ 2,185,959 | \$ 3,127,639 | \$ 1,060,125 | \$ 159,019 | \$ 2,046,665 |
| 2033 | \$ 37,937,190 | \$ 2,375,890 | \$ 201,812,446 | \$ 12,801,264 | 95.00% | 0.63875 | \$ 994,416 | \$ 2,185,959 | \$ 3,180,374 | \$ 1,080,125 | \$ 162,730 | \$ 2,119,875 |
| Total | | | | | | | \$ 13,215,269 | \$ 37,275,328 | \$ 50,490,598 | \$ 16,831,533 | \$ 2,524,730 | \$ 29,888,335 |

Notes:
(1) Base Year is Tax Year 2003
(2) Collection Rate for TY09 uses same collection rate as TY08; TY10 to TY33 uses 95%
(3) The annual affordable housing set-aside will be the greater of one-third of the actual revenues or the amount reflected in Exhibit 9 of the Part B Plan.

| | |
|--------------|-------------------------|
| Non-Cypress | \$ 4,405,089.72 |
| Cypress | \$ 12,426,442.83 |
| Total | \$ 16,831,532.54 |

Part B Plan Revenue Schedule
Exhibit 3A

TIRZ 21 (Hardy Yards Zone) Revenue Schedule
TIRZ Parcels (Less Cypress Development Parcels)
2009 Amended Project Plan and Reinvestment Zone Financing Plan

| Tax Year | Fiscal Year | Base Value (1) | Projected Value (2) | Captured Appraised Value | Collection Rate (3) | Tax Rate | Increment Revenue |
|--------------|-------------|----------------|---------------------|--------------------------|---------------------|----------|----------------------|
| 2009 | 2010 | \$ 37,937,190 | \$ 70,170,888 | \$ 32,233,698 | 92.25% | 0.63875 | \$ 189,936 |
| 2010 | 2011 | \$ 37,937,190 | \$ 73,328,578 | \$ 35,391,388 | 95.00% | 0.63875 | \$ 214,759 |
| 2011 | 2012 | \$ 37,937,190 | \$ 76,628,364 | \$ 38,691,174 | 95.00% | 0.63875 | \$ 234,783 |
| 2012 | 2013 | \$ 37,937,190 | \$ 80,076,641 | \$ 42,139,451 | 95.00% | 0.63875 | \$ 255,707 |
| 2013 | 2014 | \$ 37,937,190 | \$ 83,680,090 | \$ 45,742,900 | 95.00% | 0.63875 | \$ 277,574 |
| 2014 | 2015 | \$ 37,937,190 | \$ 87,445,694 | \$ 49,508,504 | 95.00% | 0.63875 | \$ 300,424 |
| 2015 | 2016 | \$ 37,937,190 | \$ 91,380,750 | \$ 53,443,560 | 95.00% | 0.63875 | \$ 324,302 |
| 2016 | 2017 | \$ 37,937,190 | \$ 95,492,884 | \$ 57,555,694 | 95.00% | 0.63875 | \$ 349,255 |
| 2017 | 2018 | \$ 37,937,190 | \$ 99,790,063 | \$ 61,852,873 | 95.00% | 0.63875 | \$ 375,331 |
| 2018 | 2019 | \$ 37,937,190 | \$ 104,280,616 | \$ 66,343,426 | 95.00% | 0.63875 | \$ 402,580 |
| 2019 | 2020 | \$ 37,937,190 | \$ 108,973,244 | \$ 71,036,054 | 95.00% | 0.63875 | \$ 431,056 |
| 2020 | 2021 | \$ 37,937,190 | \$ 113,877,040 | \$ 75,939,850 | 95.00% | 0.63875 | \$ 460,813 |
| 2021 | 2022 | \$ 37,937,190 | \$ 119,001,507 | \$ 81,064,317 | 95.00% | 0.63875 | \$ 491,908 |
| 2022 | 2023 | \$ 37,937,190 | \$ 124,356,574 | \$ 86,419,384 | 95.00% | 0.63875 | \$ 524,404 |
| 2023 | 2024 | \$ 37,937,190 | \$ 129,952,620 | \$ 92,015,430 | 95.00% | 0.63875 | \$ 558,361 |
| 2024 | 2025 | \$ 37,937,190 | \$ 135,800,488 | \$ 97,863,298 | 95.00% | 0.63875 | \$ 593,847 |
| 2025 | 2026 | \$ 37,937,190 | \$ 141,911,510 | \$ 103,974,320 | 95.00% | 0.63875 | \$ 630,929 |
| 2026 | 2027 | \$ 37,937,190 | \$ 148,297,528 | \$ 110,360,338 | 95.00% | 0.63875 | \$ 669,680 |
| 2027 | 2028 | \$ 37,937,190 | \$ 154,970,917 | \$ 117,033,727 | 95.00% | 0.63875 | \$ 710,175 |
| 2028 | 2029 | \$ 37,937,190 | \$ 161,944,608 | \$ 124,007,418 | 95.00% | 0.63875 | \$ 752,493 |
| 2029 | 2030 | \$ 37,937,190 | \$ 169,232,116 | \$ 131,294,926 | 95.00% | 0.63875 | \$ 796,714 |
| 2030 | 2031 | \$ 37,937,190 | \$ 176,847,561 | \$ 138,910,371 | 95.00% | 0.63875 | \$ 842,925 |
| 2031 | 2032 | \$ 37,937,190 | \$ 184,805,701 | \$ 146,868,511 | 95.00% | 0.63875 | \$ 891,216 |
| 2032 | 2033 | \$ 37,937,190 | \$ 193,121,958 | \$ 155,184,768 | 95.00% | 0.63875 | \$ 941,681 |
| 2033 | 2034 | \$ 37,937,190 | \$ 201,812,446 | \$ 163,875,256 | 95.00% | 0.63875 | \$ 994,416 |
| Total | | | | | | | \$ 13,215,269 |

Notes:

- (1) Base Year is Tax Year 2003 and takes into consideration TIRZ accounts less Hardy Development accounts.
- (2) Tax Year 2009 Certified Property Values include Hearing Loss as of 8/21/2009. Tax Years 2010 to 2033 increase at an annual rate of gro
- (3) Collection Rate for TY09 uses same collection rate as TY08; TY10 to TY33 uses 95%

Part B Plan Revenue Schedule
Exhibit 3B

TIRZ 21 (Hardy Yards Zone) Revenue Schedule
Cypress Development Parcels Only
2009 Amended Project Plan and Reinvestment Zone Financing Plan

| Tax Year | Fiscal Year | Base Value (1) | Projected Value (2) | Captured Appraised Value | Collection Rate (3) | Tax Rate | Increment Revenue |
|--------------|-------------|----------------|---------------------|--------------------------|---------------------|----------|----------------------|
| 2009 | 2010 | \$ 2,375,890 | \$ 12,801,264 | \$ 10,425,374 | 92.25% | 0.63875 | \$ 61,431 |
| 2010 | 2011 | \$ 2,375,890 | \$ 12,801,264 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 63,262 |
| 2011 | 2012 | \$ 2,375,890 | \$ 12,801,264 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 63,262 |
| 2012 | 2013 | \$ 2,375,890 | \$ 12,801,264 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 63,262 |
| 2013 | 2014 | \$ 2,375,890 | \$ 37,518,749 | \$ 35,142,859 | 95.00% | 0.63875 | \$ 213,251 |
| 2014 | 2015 | \$ 2,375,890 | \$ 70,623,527 | \$ 68,247,637 | 95.00% | 0.63875 | \$ 414,135 |
| 2015 | 2016 | \$ 2,375,890 | \$ 171,882,110 | \$ 169,506,220 | 95.00% | 0.63875 | \$ 1,028,585 |
| 2016 | 2017 | \$ 2,375,890 | \$ 226,515,100 | \$ 224,139,210 | 95.00% | 0.63875 | \$ 1,360,105 |
| 2017 | 2018 | \$ 2,375,890 | \$ 272,330,820 | \$ 269,954,930 | 95.00% | 0.63875 | \$ 1,638,120 |
| 2018 | 2019 | \$ 2,375,890 | \$ 300,965,645 | \$ 298,589,755 | 95.00% | 0.63875 | \$ 1,811,880 |
| 2019 | 2020 | \$ 2,375,890 | \$ 312,393,522 | \$ 310,017,632 | 95.00% | 0.63875 | \$ 1,881,226 |
| 2020 | 2021 | \$ 2,375,890 | \$ 316,298,441 | \$ 313,922,551 | 95.00% | 0.63875 | \$ 1,904,921 |
| 2021 | 2022 | \$ 2,375,890 | \$ 316,298,441 | \$ 313,922,551 | 95.00% | 0.63875 | \$ 1,904,921 |
| 2022 | 2023 | \$ 2,375,890 | \$ 324,255,324 | \$ 321,879,434 | 95.00% | 0.63875 | \$ 1,953,205 |
| 2023 | 2024 | \$ 2,375,890 | \$ 324,255,324 | \$ 321,879,434 | 95.00% | 0.63875 | \$ 1,953,205 |
| 2024 | 2025 | \$ 2,375,890 | \$ 324,255,324 | \$ 321,879,434 | 95.00% | 0.63875 | \$ 1,953,205 |
| 2025 | 2026 | \$ 2,375,890 | \$ 336,567,526 | \$ 334,191,636 | 95.00% | 0.63875 | \$ 2,027,917 |
| 2026 | 2027 | \$ 2,375,890 | \$ 336,567,526 | \$ 334,191,636 | 95.00% | 0.63875 | \$ 2,027,917 |
| 2027 | 2028 | \$ 2,375,890 | \$ 336,567,526 | \$ 334,191,636 | 95.00% | 0.63875 | \$ 2,027,917 |
| 2028 | 2029 | \$ 2,375,890 | \$ 349,347,232 | \$ 346,971,342 | 95.00% | 0.63875 | \$ 2,105,465 |
| 2029 | 2030 | \$ 2,375,890 | \$ 349,347,232 | \$ 346,971,342 | 95.00% | 0.63875 | \$ 2,105,465 |
| 2030 | 2031 | \$ 2,375,890 | \$ 358,135,498 | \$ 355,759,608 | 95.00% | 0.63875 | \$ 2,158,794 |
| 2031 | 2032 | \$ 2,375,890 | \$ 362,612,192 | \$ 360,236,302 | 95.00% | 0.63875 | \$ 2,185,959 |
| 2032 | 2033 | \$ 2,375,890 | \$ 362,612,192 | \$ 360,236,302 | 95.00% | 0.63875 | \$ 2,185,959 |
| 2033 | 2034 | \$ 2,375,890 | \$ 362,612,192 | \$ 360,236,302 | 95.00% | 0.63875 | \$ 2,185,959 |
| Total | | | | | | | \$ 37,279,328 |

Notes:

- (1) Base Year is Tax Year 2003 and takes into consideration only the accounts related to Hardy Development
- (2) Tax Years 2009 to 2033 Property Values provided by developer
- (3) Collection Rate for TY09 uses same collection rate as TY08; TY10 to TY33 uses 95%

**TAX INCREMENT REINVESTMENT ZONE NUMBER TWENTY-ONE
CITY OF HOUSTON, TEXAS**

HARDY/NEAR NORTHSIDE ZONE

**First Amended
Project Plan and Reinvestment Zone Financing Plan**

Amended November 9, 2009

TAX INCREMENT REINVESTMENT ZONE NUMBER TWENTY-ONE
CITY OF HOUSTON, TEXAS
HARDY/NEAR NORTHSIDE ZONE
First Amended Project Plan and Reinvestment Zone Financing Plan

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TAX INCREMENT REINVESTMENT ZONE NUMBER TWENTY-ONE
HARDY/NEAR NORTHSIDE ZONE
PART B – AMENDING THE PROJECT PLAN
AND REINVESTMENT ZONE FINANCING PLAN

Amended November 9, 2009

Overview

Reinvestment Zone Number Twenty-One, City of Houston, Texas, also known as the Hardy/Near Northside Zone (“Zone”) was created by Ordinance No. 2003-1258 on December 17, 2003 for the purposes of development and redevelopment in an area covering approximately 326.1 acres generally bounded by Quitman Street on the North, U.S. Highway 59 on the East, Interstate 10 on the South, and Interstate Highway 45 on the West. The City adopted a Project Plan and Reinvestment Zone Financing Plan for the area by Ordinance No. 2008-1212 on December 30, 2008, (the “Part A Plan”). The Zone and the City now desire to amend the Part A Plan as described herein, (the “Part B Plan”).

Both the Part A Plan and the Part B Plan cover a total of 326.1 acres. The primary focus of the Part A Plan was to facilitate affordable housing, transit orientated mixed-use development, and the extension and potential grade separation of San Jacinto Street north from the Interstate 10 to the southern terminus of Fulton Street. The Part B Plan restates the goals and objectives included in the Part A Plan, including the design and construction of roadway and sidewalk improvements and affordable housing. It also adds new project categories, including provisions for public utility system improvements and parks, and addresses distressed infrastructure conditions and quality-of-life issues. Overall, project costs will increase by \$42.4 million from the Part A Plan.

Part B Plan Objectives

Existing Uses and Current Site Conditions. Generally, land uses within the area vary greatly, but are comprised predominately of vacant lots, tax-exempt properties, utility and railroad easements and rights-of-way, single family residences, and industrial and commercial uses. Much of the remaining commercial and industrial building stock is vacant or in a deteriorated condition. Public infrastructure is either aged, in poor condition, or undersized. Most existing streets have either no or substandard sidewalks.

Part B Plan Initiatives. The Part B Plan addresses recent and historic negative trends within the Zone by creating a viable and attractive environment for new investment and redevelopment. Improvements have been identified that will enhance the community by attracting new businesses and residents to the area. Part B Plan projects include upgrades and improvements to public utility systems, public roadways and thoroughfares, transit facilities, trail systems, parks, provisions for public art, lighting, landscaping and environmental remediation. The goals of the Zone are to create a new urban neighborhood and gateways between the Near Northside and adjacent districts through the development of connections with other neighborhoods and activity centers, and enhance the sense of civic pride for area residents. In addition to the improvements

contemplated by the Part A Plan, the Part B Plan includes improvements listed as eligible project costs and which are located throughout the Zone:

- *Create pedestrian-friendly, safe environments through the reconstruction of streets and sidewalks, with ample lighting and streetscape amenities.* Streetscape enhancements are required to create an environment to stimulate investment in retail, residential, and commercial developments. Enhanced streetscape components include sidewalks, lighting, signage, street trees, landscaping, benches, and other pedestrian amenities. The construction of sidewalk systems, including ADA complaint ramps, will improve pedestrian safety, enhance the visual environment, and provide connectivity both within the community and to adjacent districts.
- *Redevelopment and upgrades to public green space, parks, and other appropriate recreational facilities.* Public infrastructure, regional trail systems and other enhancements to area parks and other public open green space will attract and support redevelopment and improve the quality of life of area neighborhoods and visitors.
- *Expand pedestrian-attractive retail developments.* Providing base-level retail functionality is essential to the continued expansion of residential projects in the area through the implementation of enhanced pedestrian amenities with an emphasis on parking, lighting, street trees, landscaping, wide sidewalks, and public art.
- *Metropolitan Transit Authority (METRO) Initiatives and complementing the revitalization activities proposed to occur along the METRO North Corridor Alignment.* METRO funding of public transit systems can be complemented by Zone activities including the funding of streetscape upgrades, right-of-way acquisition, and provisions for parking to serve retail needs. The METRO Solutions North Corridor alignment located within the Zone includes a proposed Burnett Plaza Intermodal Terminal. The planned facility would provide for light rail, bus services, car pool, and bicycle and pedestrian modes of transportation. This METRO program, when executed, will significantly impact economic development within the Zone and facilitate the construction of transit-oriented development. A primary goal of the Part B Plan is to maximize the positive economic impacts of the METRO initiatives.
- *Cultural and Public Facilities; Affordable Housing.* Increasing public and cultural facilities and affordable housing for current residents as well as for the Downtown workforce is an important public policy goal of the Part B Plan. Zone funds will be leveraged with private, public, and non-profit developers to integrate affordable housing into proposed redevelopment projects within the City. The Part B Plan provides for one-third of Zone revenues to be made available for affordable housing within or outside the Zone. These projects, along with improved infrastructure, additional fire, police, library, and public health facilities, and cultural and community centers, will improve security and enhance the quality of life for existing and new residents and businesses in the Zone.
- *Infrastructure Improvements.* Public streets and public utility systems are needed to create an environment that will stimulate private investment in retail, residential, multi-family, and commercial developments. Construction of key streets and utility systems will enhance the level of service in the area, improve functionality, replace aged facilities, and improve aesthetics.

All roadway improvements will be integrated with the street reconstruction programs of the City of Houston, TXDOT, METRO, and others as needed, and where possible will include elements not included by those programs. Attention will be focused on leveraging Zone funds through the funding of elements not addressed by the capital improvement programs of sister agencies.

Existing and Proposed Uses of Land in the Zone.

Map 1 reflects existing land uses in the Zone.

Map 2 reflects proposed uses of land in the Zone.

Estimated Non-Project Cost Items.

Non-Project Costs represent costs and expenditures for projected private and public investments that will not be funded by the Zone. The estimated cost for the METRO North Light Rail Line is \$677,000,000. In addition, the CRV Hardy Yards, L.P. mixed use project will invest an estimated \$380,000,000 in private and public improvements as part of the development.

There are no proposed changes of any city ordinance, master plan, or building codes. All construction will be done in conformance with existing rules and regulations of the City of Houston. No residents will be displaced by any of the projects to be undertaken by the Zone.

Part B Financing Plan

Estimated Project Costs. Exhibit 1 details estimated project costs, including administrative and educational project costs. The Part A Plan contained the categories of affordable housing and mobility improvements; the Part B Plan adds streetscape and other pedestrian enhancements, public green space and other appropriate recreational facilities, cultural and public facilities, public infrastructure, and METRO initiatives. Exhibit 1 includes the costs for the Part A Plan as those projects remain part of the overall Plan.

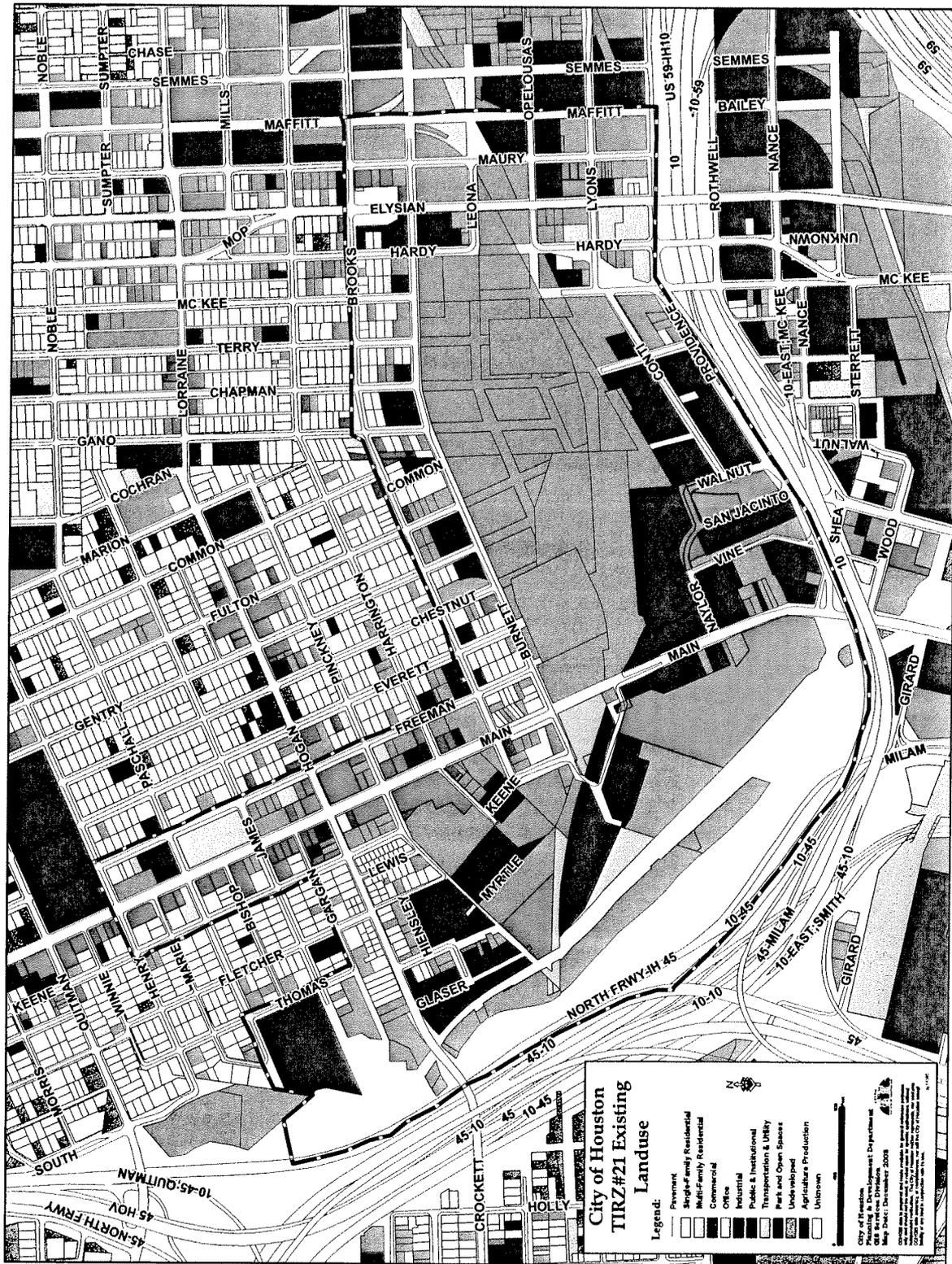
Economic Feasibility. Exhibit 2 reflects updated revenue estimates for the Zone. These estimates detail the total appraised value, the captured appraised value, and the net revenue for the Zone over the remaining life of the Zone.

Bonded Indebtedness/Methods of Financing. No Bonds have been issued. The Zone will explore available financing methods including, but not limited to, short-term notes, developer agreement financing, and collaboration with other entities for grant funding and partnerships. The value of these potential financing methods will correlate to the debt capacity as derived from the revenue and project schedules attached hereto.

Reinvestment Zone Duration. The Zone was created on December 17, 2003 and will terminate on December 31, 2033, for a duration of 30 years.

EXHIBITS

Map 1 – Map of Existing Land Uses within the Zone



Map 2 – Map of Proposed Land Uses in the Zone

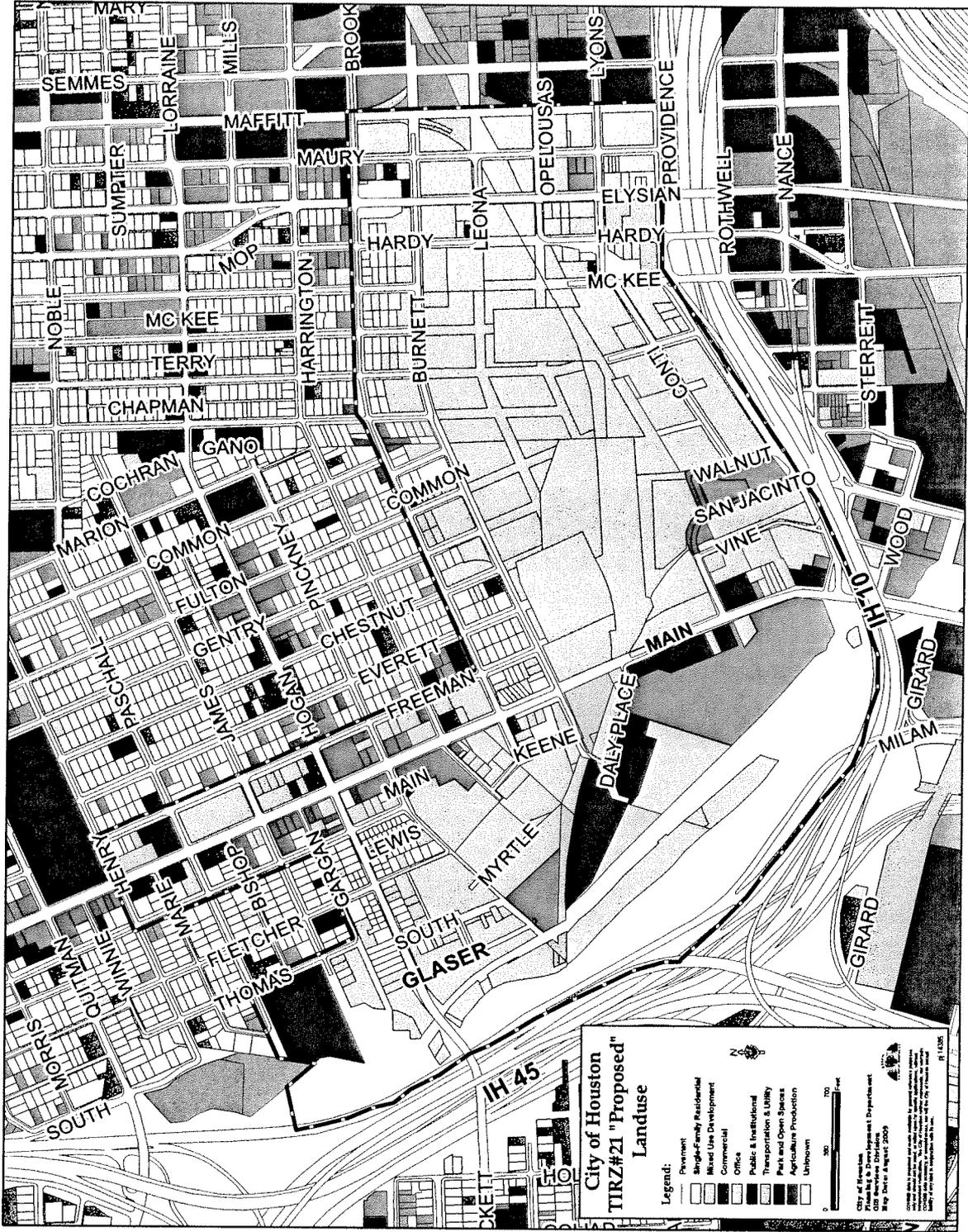


Exhibit 1 – Parts A and B Project Costs

Project Cost Amendments: The following table includes the approved project cost for the Part A Plan and the changes made to those budgets through this Part B Amendment:

| | Estimated Costs 2008 Plan | Estimated Costs 2009 Plan | Cumulative |
|---|------------------------------|------------------------------|----------------------|
| Infrastructure Improvements: | | | |
| Roadway and Sidewalk Improvements - Part A | | | |
| Roadway, Sidewalk and Landscape Improvements | \$ 16,000,000 | \$ - | \$ 16,000,000 |
| Roadway and Sidewalk - Part B | | | |
| Roadway, Sidewalk and Landscape Improvements | \$ - | \$ 21,692,000 | \$ 21,692,000 |
| Total Roadway and Sidewalk - Parts A & B | \$ 16,000,000 | \$ 21,692,000 | \$ 37,692,000 |
| Public Utility Improvements - Part A | | | |
| Public Utility Improvements | \$ - | \$ - | \$ - |
| Public Utility Improvements - Part B | | | |
| Public Utility Improvements - Part B | \$ - | \$ 1,929,000 | \$ 1,929,000 |
| Total Public Utility Improvements - Parts A & B | \$ - | \$ 1,929,000 | \$ 1,929,000 |
| Total Infrastructure Improvements - Parts A & B | \$ 16,000,000 | \$ 23,621,000 | \$ 39,621,000 |
| Other Project Costs: | | | |
| Parks and Recreational Facilities Improvements - Part A: | | | |
| Parks, Plazas and Public Space Improvements | \$ - | \$ - | \$ - |
| Park and Recreational Facilities Improvements - Part B: | | | |
| Parks, Plazas and Public Space Improvements | \$ - | \$ 1,440,000 | \$ 1,440,000 |
| Total Parks and Recreational Facilities Improvements - Parts A & B | \$ - | \$ 1,440,000 | \$ 1,440,000 |
| Land Acquisition - Part A | | | |
| Land Assembly, Site Preparation, Environmental Remediation | \$ - | \$ - | \$ - |
| Land Acquisition - Part B | | | |
| Land Assembly, Site Preparation, Environmental Remediation | \$ - | \$ 4,820,000 | \$ 4,820,000 |
| Total Land Acquisition - Parts A & B | \$ - | \$ 4,820,000 | \$ 4,820,000 |
| Project Financing Costs - Parts A & B | | | |
| Financing Cost | \$ 1,700,000 | \$ - | \$ 1,700,000 |
| Total Project Financing Costs - Parts A & B | \$ 1,700,000 | \$ - | \$ 1,700,000 |
| Zone Creation and Operations - Parts A & B | | | |
| Zone Administration | \$ 2,200,000 | \$ - | \$ 2,200,000 |
| Total Creation Costs - Parts A & B | \$ 2,200,000 | \$ - | \$ 2,200,000 |
| Affordable Housing Costs - Part A | | | |
| Affordable Housing | \$ 5,000,000 | \$ - | \$ 5,000,000 |
| Affordable Housing Costs - Part B | | | |
| Affordable Housing | \$ - | \$ 12,500,000 | \$ 12,500,000 |
| Total Affordable Housing Costs - Parts A & B | \$ 5,000,000 | \$ 12,500,000 | \$ 17,500,000 |
| Total Other Project Costs - Parts A & B | \$ 8,900,000 | \$ 18,760,000 | \$ 27,660,000 |
| PROJECT PLAN TOTAL | \$ 24,900,000 | \$ 42,381,000 | \$ 67,281,000 |

Part B Plan Revenue Schedule
Exhibit 2

TIRZ 21 (Hardy Yards Zone) Revenue Schedule
2009 Amended Project Plan and Reinvestment Zone Financing Plan

| TY | Non-Cypress Revenue | Cypress Revenue | Total Revenue | Net Revenue (Less Transfers and Affordable Housing) |
|------|----------------------|----------------------|----------------------|---|
| 2009 | \$ 189,936 | \$ 61,431 | \$ 251,367 | \$ 105,010 |
| 2010 | \$ 214,759 | \$ 63,262 | \$ 278,022 | \$ 121,447 |
| 2011 | \$ 234,783 | \$ 63,262 | \$ 298,045 | \$ 133,795 |
| 2012 | \$ 255,707 | \$ 63,262 | \$ 318,970 | \$ 146,698 |
| 2013 | \$ 277,574 | \$ 213,251 | \$ 490,825 | \$ 252,675 |
| 2014 | \$ 300,424 | \$ 414,135 | \$ 714,559 | \$ 390,645 |
| 2015 | \$ 324,302 | \$ 1,028,585 | \$ 1,352,887 | \$ 784,280 |
| 2016 | \$ 349,255 | \$ 1,360,105 | \$ 1,709,360 | \$ 1,004,105 |
| 2017 | \$ 375,331 | \$ 1,638,120 | \$ 2,013,451 | \$ 1,191,628 |
| 2018 | \$ 402,580 | \$ 1,811,880 | \$ 2,214,460 | \$ 1,315,584 |
| 2019 | \$ 431,056 | \$ 1,881,226 | \$ 2,312,281 | \$ 1,375,907 |
| 2020 | \$ 460,813 | \$ 1,904,921 | \$ 2,365,734 | \$ 1,408,869 |
| 2021 | \$ 491,908 | \$ 1,904,921 | \$ 2,396,830 | \$ 1,428,045 |
| 2022 | \$ 524,404 | \$ 1,953,205 | \$ 2,477,608 | \$ 1,477,858 |
| 2023 | \$ 558,361 | \$ 1,953,205 | \$ 2,511,566 | \$ 1,498,799 |
| 2024 | \$ 593,847 | \$ 1,953,205 | \$ 2,547,051 | \$ 1,520,682 |
| 2025 | \$ 630,929 | \$ 2,027,917 | \$ 2,658,846 | \$ 1,589,622 |
| 2026 | \$ 669,680 | \$ 2,027,917 | \$ 2,697,597 | \$ 1,613,518 |
| 2027 | \$ 710,175 | \$ 2,027,917 | \$ 2,738,092 | \$ 1,638,490 |
| 2028 | \$ 752,493 | \$ 2,105,465 | \$ 2,857,958 | \$ 1,712,407 |
| 2029 | \$ 796,714 | \$ 2,105,465 | \$ 2,902,179 | \$ 1,739,677 |
| 2030 | \$ 842,925 | \$ 2,158,794 | \$ 3,001,719 | \$ 1,801,060 |
| 2031 | \$ 891,216 | \$ 2,185,959 | \$ 3,077,175 | \$ 1,847,591 |
| 2032 | \$ 941,681 | \$ 2,185,959 | \$ 3,127,639 | \$ 1,878,711 |
| 2033 | \$ 994,416 | \$ 2,185,959 | \$ 3,180,374 | \$ 1,911,231 |
| | \$ 13,215,269 | \$ 37,279,328 | \$ 50,494,598 | \$ 29,888,335 |

Part B Plan Revenue Schedule
Exhibit 9 AS AMENDED

TIRZ 21 (Hardy/Near Northside Zone) Revenue Schedule
2009 First Amended Project Plan and Reinvestment Zone Financing Plan

| Tax Year | Base Values (1) | | Projected Value | | Captured Appraised Value | | Collection Rate (2) | Tax Rate | Increment Revenue | | | Affordable Housing (3) | City Admin (5%) | Zone Administration | Net Revenue/Less Transfers and AH) |
|--------------|-----------------|--------------|-----------------|---------------|--------------------------|---------------|---------------------|----------|-------------------|---------------|---------------|------------------------|-----------------|---------------------|------------------------------------|
| | Non-Cypress | Cypress | Non-Cypress | Cypress | Non-Cypress | Cypress | | | Non-Cypress | Cypress | Total | | | | |
| 2009 | \$ 37,937,190 | \$ 2,375,890 | \$ 70,170,888 | \$ 12,801,264 | \$ 32,233,698 | \$ 10,425,374 | 92.25% | 0.63875 | \$ 189,936 | \$ 61,431 | \$ 251,367 | \$ 83,768 | \$ 12,568 | \$ 50,000 | \$ 105,010 |
| 2010 | \$ 37,937,190 | \$ 2,375,890 | \$ 73,328,578 | \$ 12,801,264 | \$ 35,391,388 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 214,759 | \$ 63,262 | \$ 278,022 | \$ 92,674 | \$ 13,901 | \$ 50,000 | \$ 121,447 |
| 2011 | \$ 37,937,190 | \$ 2,375,890 | \$ 76,628,364 | \$ 12,801,264 | \$ 38,691,174 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 234,783 | \$ 63,262 | \$ 298,045 | \$ 99,348 | \$ 14,902 | \$ 50,000 | \$ 133,795 |
| 2012 | \$ 37,937,190 | \$ 2,375,890 | \$ 80,076,641 | \$ 12,801,264 | \$ 42,139,451 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 255,707 | \$ 63,262 | \$ 318,970 | \$ 106,323 | \$ 15,948 | \$ 50,000 | \$ 146,698 |
| 2013 | \$ 37,937,190 | \$ 2,375,890 | \$ 83,680,050 | \$ 12,801,264 | \$ 45,742,900 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 277,574 | \$ 213,251 | \$ 490,825 | \$ 163,608 | \$ 24,541 | \$ 50,000 | \$ 252,675 |
| 2014 | \$ 37,937,190 | \$ 2,375,890 | \$ 87,445,694 | \$ 12,801,264 | \$ 49,508,504 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 300,424 | \$ 414,135 | \$ 714,559 | \$ 238,186 | \$ 35,728 | \$ 50,000 | \$ 390,645 |
| 2015 | \$ 37,937,190 | \$ 2,375,890 | \$ 91,380,750 | \$ 12,801,264 | \$ 53,443,560 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 324,302 | \$ 1,029,585 | \$ 1,352,887 | \$ 450,962 | \$ 67,644 | \$ 50,000 | \$ 784,280 |
| 2016 | \$ 37,937,190 | \$ 2,375,890 | \$ 95,492,884 | \$ 12,801,264 | \$ 57,555,694 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 349,255 | \$ 1,360,105 | \$ 1,709,360 | \$ 569,787 | \$ 85,468 | \$ 50,000 | \$ 1,004,105 |
| 2017 | \$ 37,937,190 | \$ 2,375,890 | \$ 99,790,063 | \$ 12,801,264 | \$ 61,852,873 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 373,331 | \$ 1,638,120 | \$ 2,013,451 | \$ 671,150 | \$ 100,673 | \$ 50,000 | \$ 1,191,628 |
| 2018 | \$ 37,937,190 | \$ 2,375,890 | \$ 104,280,616 | \$ 12,801,264 | \$ 66,343,426 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 402,580 | \$ 1,811,880 | \$ 2,214,460 | \$ 738,153 | \$ 110,723 | \$ 50,000 | \$ 1,315,584 |
| 2019 | \$ 37,937,190 | \$ 2,375,890 | \$ 108,973,244 | \$ 12,801,264 | \$ 71,036,054 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 431,056 | \$ 1,981,226 | \$ 2,412,281 | \$ 770,760 | \$ 115,614 | \$ 50,000 | \$ 1,408,869 |
| 2020 | \$ 37,937,190 | \$ 2,375,890 | \$ 113,877,040 | \$ 12,801,264 | \$ 75,939,850 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 460,813 | \$ 1,904,921 | \$ 2,365,734 | \$ 788,578 | \$ 118,287 | \$ 50,000 | \$ 1,428,045 |
| 2021 | \$ 37,937,190 | \$ 2,375,890 | \$ 119,001,507 | \$ 12,801,264 | \$ 81,064,317 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 491,908 | \$ 1,953,205 | \$ 2,445,113 | \$ 825,869 | \$ 125,578 | \$ 50,000 | \$ 1,477,858 |
| 2022 | \$ 37,937,190 | \$ 2,375,890 | \$ 124,356,574 | \$ 12,801,264 | \$ 86,419,384 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 524,404 | \$ 1,953,205 | \$ 2,477,608 | \$ 837,189 | \$ 127,353 | \$ 50,000 | \$ 1,520,682 |
| 2023 | \$ 37,937,190 | \$ 2,375,890 | \$ 129,952,620 | \$ 12,801,264 | \$ 92,015,430 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 558,361 | \$ 1,953,205 | \$ 2,547,051 | \$ 866,282 | \$ 132,942 | \$ 50,000 | \$ 1,569,622 |
| 2024 | \$ 37,937,190 | \$ 2,375,890 | \$ 135,800,488 | \$ 12,801,264 | \$ 97,863,298 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 593,847 | \$ 1,953,205 | \$ 2,658,046 | \$ 898,199 | \$ 134,860 | \$ 50,000 | \$ 1,613,518 |
| 2025 | \$ 37,937,190 | \$ 2,375,890 | \$ 141,911,510 | \$ 12,801,264 | \$ 103,974,320 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 630,929 | \$ 2,027,917 | \$ 2,697,597 | \$ 912,697 | \$ 136,905 | \$ 50,000 | \$ 1,638,490 |
| 2026 | \$ 37,937,190 | \$ 2,375,890 | \$ 148,297,528 | \$ 12,801,264 | \$ 110,360,338 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 669,680 | \$ 2,105,465 | \$ 2,815,145 | \$ 949,393 | \$ 145,109 | \$ 50,000 | \$ 1,712,407 |
| 2027 | \$ 37,937,190 | \$ 2,375,890 | \$ 154,970,917 | \$ 12,801,264 | \$ 117,033,727 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 710,175 | \$ 2,027,917 | \$ 2,798,092 | \$ 967,393 | \$ 150,086 | \$ 50,000 | \$ 1,801,060 |
| 2028 | \$ 37,937,190 | \$ 2,375,890 | \$ 161,944,608 | \$ 12,801,264 | \$ 124,007,418 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 752,493 | \$ 2,158,794 | \$ 2,957,287 | \$ 997,833 | \$ 153,858 | \$ 50,000 | \$ 1,847,981 |
| 2029 | \$ 37,937,190 | \$ 2,375,890 | \$ 169,232,116 | \$ 12,801,264 | \$ 131,294,926 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 796,714 | \$ 2,105,465 | \$ 2,957,287 | \$ 1,000,573 | \$ 159,019 | \$ 50,000 | \$ 1,911,231 |
| 2030 | \$ 37,937,190 | \$ 2,375,890 | \$ 176,847,561 | \$ 12,801,264 | \$ 138,910,371 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 842,925 | \$ 2,185,959 | \$ 3,077,175 | \$ 1,025,725 | \$ 162,374 | \$ 50,000 | \$ 2,000,000 |
| 2031 | \$ 37,937,190 | \$ 2,375,890 | \$ 184,805,701 | \$ 12,801,264 | \$ 146,868,511 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 891,216 | \$ 2,185,959 | \$ 3,127,639 | \$ 1,042,546 | \$ 166,382 | \$ 50,000 | \$ 2,088,335 |
| 2032 | \$ 37,937,190 | \$ 2,375,890 | \$ 193,121,958 | \$ 12,801,264 | \$ 155,184,768 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 941,681 | \$ 2,185,959 | \$ 3,180,374 | \$ 1,060,125 | \$ 169,019 | \$ 50,000 | \$ 2,179,677 |
| 2033 | \$ 37,937,190 | \$ 2,375,890 | \$ 201,812,446 | \$ 12,801,264 | \$ 163,875,256 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 994,416 | \$ 2,185,959 | \$ 3,270,328 | \$ 1,080,125 | \$ 172,730 | \$ 50,000 | \$ 2,272,603 |
| Total | | | | | | | | | \$ 13,215,269 | \$ 37,279,328 | \$ 50,494,598 | \$ 16,831,533 | \$ 2,524,730 | \$ 1,250,000 | \$ 29,888,335 |

Notes:
 (1) Base Year is Tax Year 2003
 (2) Collection Rate for TY08 uses same collection rate as TY08. TY10 to TY33 uses 95%
 (3) The annual affordable housing set-aside will be the greater of one-third of the actual revenues or the amount reflected in Exhibit 9 of the Part B Plan.

| | |
|--------------------|------------------|
| Non-Cypress | \$ 4,405,089.72 |
| Cypress | \$ 12,426,442.83 |
| Affordable Housing | \$ 16,831,532.54 |
| Total | |

Part B Plan Revenue Schedule
Exhibit 3A

**TIRZ 21 (Hardy Yards Zone) Revenue Schedule
TIRZ Parcels (Less Cypress Development Parcels)
2009 Amended Project Plan and Reinvestment Zone Financing Plan**

| Tax Year | Fiscal Year | Base Value (1) | Projected Value (2) | Captured Appraised Value | Collection Rate (3) | Tax Rate | Increment Revenue |
|--------------|-------------|----------------|---------------------|--------------------------|---------------------|----------|----------------------|
| 2009 | 2010 | \$ 37,937,190 | \$ 70,170,888 | \$ 32,233,698 | 92.25% | 0.63875 | \$ 189,936 |
| 2010 | 2011 | \$ 37,937,190 | \$ 73,328,578 | \$ 35,391,388 | 95.00% | 0.63875 | \$ 214,759 |
| 2011 | 2012 | \$ 37,937,190 | \$ 76,628,364 | \$ 38,691,174 | 95.00% | 0.63875 | \$ 234,783 |
| 2012 | 2013 | \$ 37,937,190 | \$ 80,076,641 | \$ 42,139,451 | 95.00% | 0.63875 | \$ 255,707 |
| 2013 | 2014 | \$ 37,937,190 | \$ 83,680,090 | \$ 45,742,900 | 95.00% | 0.63875 | \$ 277,574 |
| 2014 | 2015 | \$ 37,937,190 | \$ 87,445,694 | \$ 49,508,504 | 95.00% | 0.63875 | \$ 300,424 |
| 2015 | 2016 | \$ 37,937,190 | \$ 91,380,750 | \$ 53,443,560 | 95.00% | 0.63875 | \$ 324,302 |
| 2016 | 2017 | \$ 37,937,190 | \$ 95,492,884 | \$ 57,555,694 | 95.00% | 0.63875 | \$ 349,255 |
| 2017 | 2018 | \$ 37,937,190 | \$ 99,790,063 | \$ 61,852,873 | 95.00% | 0.63875 | \$ 375,331 |
| 2018 | 2019 | \$ 37,937,190 | \$ 104,280,616 | \$ 66,343,426 | 95.00% | 0.63875 | \$ 402,580 |
| 2019 | 2020 | \$ 37,937,190 | \$ 108,973,244 | \$ 71,036,054 | 95.00% | 0.63875 | \$ 431,056 |
| 2020 | 2021 | \$ 37,937,190 | \$ 113,877,040 | \$ 75,939,850 | 95.00% | 0.63875 | \$ 460,813 |
| 2021 | 2022 | \$ 37,937,190 | \$ 119,001,507 | \$ 81,064,317 | 95.00% | 0.63875 | \$ 491,908 |
| 2022 | 2023 | \$ 37,937,190 | \$ 124,356,574 | \$ 86,419,384 | 95.00% | 0.63875 | \$ 524,404 |
| 2023 | 2024 | \$ 37,937,190 | \$ 129,952,620 | \$ 92,015,430 | 95.00% | 0.63875 | \$ 558,361 |
| 2024 | 2025 | \$ 37,937,190 | \$ 135,800,488 | \$ 97,863,298 | 95.00% | 0.63875 | \$ 593,847 |
| 2025 | 2026 | \$ 37,937,190 | \$ 141,911,510 | \$ 103,974,320 | 95.00% | 0.63875 | \$ 630,929 |
| 2026 | 2027 | \$ 37,937,190 | \$ 148,297,528 | \$ 110,360,338 | 95.00% | 0.63875 | \$ 669,680 |
| 2027 | 2028 | \$ 37,937,190 | \$ 154,970,917 | \$ 117,033,727 | 95.00% | 0.63875 | \$ 710,175 |
| 2028 | 2029 | \$ 37,937,190 | \$ 161,944,608 | \$ 124,007,418 | 95.00% | 0.63875 | \$ 752,493 |
| 2029 | 2030 | \$ 37,937,190 | \$ 169,232,116 | \$ 131,294,926 | 95.00% | 0.63875 | \$ 796,714 |
| 2030 | 2031 | \$ 37,937,190 | \$ 176,847,561 | \$ 138,910,371 | 95.00% | 0.63875 | \$ 842,925 |
| 2031 | 2032 | \$ 37,937,190 | \$ 184,805,701 | \$ 146,868,511 | 95.00% | 0.63875 | \$ 891,216 |
| 2032 | 2033 | \$ 37,937,190 | \$ 193,121,958 | \$ 155,184,768 | 95.00% | 0.63875 | \$ 941,681 |
| 2033 | 2034 | \$ 37,937,190 | \$ 201,812,446 | \$ 163,875,256 | 95.00% | 0.63875 | \$ 994,416 |
| Total | | | | | | | \$ 13,215,269 |

Notes:

- (1) Base Year is Tax Year 2003 and takes into consideration TIRZ accounts less Hardy Development accounts.
- (2) Tax Year 2009 Certified Property Values include Hearing Loss as of 8/21/2009; Tax Years 2010 to 2033 increase at an annual rate of gro
- (3) Collection Rate for TY09 uses same collection rate as TY08; TY10 to TY33 uses 95%

Part B Plan Revenue Schedule
Exhibit 3B

TIRZ 21 (Hardy Yards Zone) Revenue Schedule
Cypress Development Parcels Only
2009 Amended Project Plan and Reinvestment Zone Financing Plan

| Tax Year | Fiscal Year | Base Value (1) | Projected Value (2) | Captured Appraised Value | Collection Rate (3) | Tax Rate | Increment Revenue |
|--------------|-------------|----------------|---------------------|--------------------------|---------------------|----------|----------------------|
| 2009 | 2010 | \$ 2,375,890 | \$ 12,801,264 | \$ 10,425,374 | 92.25% | 0.63875 | \$ 61,431 |
| 2010 | 2011 | \$ 2,375,890 | \$ 12,801,264 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 63,262 |
| 2011 | 2012 | \$ 2,375,890 | \$ 12,801,264 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 63,262 |
| 2012 | 2013 | \$ 2,375,890 | \$ 12,801,264 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 63,262 |
| 2013 | 2014 | \$ 2,375,890 | \$ 37,518,749 | \$ 35,142,859 | 95.00% | 0.63875 | \$ 213,251 |
| 2014 | 2015 | \$ 2,375,890 | \$ 70,623,527 | \$ 68,247,637 | 95.00% | 0.63875 | \$ 414,135 |
| 2015 | 2016 | \$ 2,375,890 | \$ 171,882,110 | \$ 169,506,220 | 95.00% | 0.63875 | \$ 1,028,585 |
| 2016 | 2017 | \$ 2,375,890 | \$ 226,515,100 | \$ 224,139,210 | 95.00% | 0.63875 | \$ 1,360,105 |
| 2017 | 2018 | \$ 2,375,890 | \$ 272,330,820 | \$ 269,954,930 | 95.00% | 0.63875 | \$ 1,638,120 |
| 2018 | 2019 | \$ 2,375,890 | \$ 300,965,645 | \$ 298,589,755 | 95.00% | 0.63875 | \$ 1,811,880 |
| 2019 | 2020 | \$ 2,375,890 | \$ 312,393,522 | \$ 310,017,632 | 95.00% | 0.63875 | \$ 1,881,226 |
| 2020 | 2021 | \$ 2,375,890 | \$ 316,298,441 | \$ 313,922,551 | 95.00% | 0.63875 | \$ 1,904,921 |
| 2021 | 2022 | \$ 2,375,890 | \$ 316,298,441 | \$ 313,922,551 | 95.00% | 0.63875 | \$ 1,904,921 |
| 2022 | 2023 | \$ 2,375,890 | \$ 324,255,324 | \$ 321,879,434 | 95.00% | 0.63875 | \$ 1,953,205 |
| 2023 | 2024 | \$ 2,375,890 | \$ 324,255,324 | \$ 321,879,434 | 95.00% | 0.63875 | \$ 1,953,205 |
| 2024 | 2025 | \$ 2,375,890 | \$ 324,255,324 | \$ 321,879,434 | 95.00% | 0.63875 | \$ 1,953,205 |
| 2025 | 2026 | \$ 2,375,890 | \$ 336,567,526 | \$ 334,191,636 | 95.00% | 0.63875 | \$ 2,027,917 |
| 2026 | 2027 | \$ 2,375,890 | \$ 336,567,526 | \$ 334,191,636 | 95.00% | 0.63875 | \$ 2,027,917 |
| 2027 | 2028 | \$ 2,375,890 | \$ 336,567,526 | \$ 334,191,636 | 95.00% | 0.63875 | \$ 2,027,917 |
| 2028 | 2029 | \$ 2,375,890 | \$ 349,347,232 | \$ 346,971,342 | 95.00% | 0.63875 | \$ 2,105,465 |
| 2029 | 2030 | \$ 2,375,890 | \$ 349,347,232 | \$ 346,971,342 | 95.00% | 0.63875 | \$ 2,105,465 |
| 2030 | 2031 | \$ 2,375,890 | \$ 358,135,498 | \$ 355,759,608 | 95.00% | 0.63875 | \$ 2,158,794 |
| 2031 | 2032 | \$ 2,375,890 | \$ 362,612,192 | \$ 360,236,302 | 95.00% | 0.63875 | \$ 2,185,959 |
| 2032 | 2033 | \$ 2,375,890 | \$ 362,612,192 | \$ 360,236,302 | 95.00% | 0.63875 | \$ 2,185,959 |
| 2033 | 2034 | \$ 2,375,890 | \$ 362,612,192 | \$ 360,236,302 | 95.00% | 0.63875 | \$ 2,185,959 |
| Total | | | | | | | \$ 37,279,328 |

Notes:

- (1) Base Year is Tax Year 2003 and takes into consideration only the accounts related to Hardy Development
- (2) Tax Years 2009 to 2033 Property Values provided by developer
- (3) Collection Rate for TY09 uses same collection rate as TY08; TY10 to TY33 uses 95%

**TAX INCREMENT REINVESTMENT ZONE NUMBER TWENTY-ONE
CITY OF HOUSTON, TEXAS**

HARDY/NEAR NORTHSIDE ZONE

**First Amended
Project Plan and Reinvestment Zone Financing Plan**

Amended November 9, 2009

TAX INCREMENT REINVESTMENT ZONE NUMBER TWENTY-ONE
CITY OF HOUSTON, TEXAS
HARDY/NEAR NORTHSIDE ZONE
First Amended Project Plan and Reinvestment Zone Financing Plan

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TAX INCREMENT REINVESTMENT ZONE NUMBER TWENTY-ONE
HARDY/NEAR NORTHSIDE ZONE
PART B – AMENDING THE PROJECT PLAN
AND REINVESTMENT ZONE FINANCING PLAN

Amended November 9, 2009

Overview

Reinvestment Zone Number Twenty-One, City of Houston, Texas, also known as the Hardy/Near Northside Zone (“Zone”) was created by Ordinance No. 2003-1258 on December 17, 2003 for the purposes of development and redevelopment in an area covering approximately 326.1 acres generally bounded by Quitman Street on the North, U.S. Highway 59 on the East, Interstate 10 on the South, and Interstate Highway 45 on the West. The City adopted a Project Plan and Reinvestment Zone Financing Plan for the area by Ordinance No. 2008-1212 on December 30, 2008, (the “Part A Plan”). The Zone and the City now desire to amend the Part A Plan as described herein, (the “Part B Plan”).

Both the Part A Plan and the Part B Plan cover a total of 326.1 acres. The primary focus of the Part A Plan was to facilitate affordable housing, transit orientated mixed-use development, and the extension and potential grade separation of San Jacinto Street north from the Interstate 10 to the southern terminus of Fulton Street. The Part B Plan restates the goals and objectives included in the Part A Plan, including the design and construction of roadway and sidewalk improvements and affordable housing. It also adds new project categories, including provisions for public utility system improvements and parks, and addresses distressed infrastructure conditions and quality-of-life issues. Overall, project costs will increase by \$42.4 million from the Part A Plan.

Part B Plan Objectives

Existing Uses and Current Site Conditions. Generally, land uses within the area vary greatly, but are comprised predominately of vacant lots, tax-exempt properties, utility and railroad easements and rights-of-way, single family residences, and industrial and commercial uses. Much of the remaining commercial and industrial building stock is vacant or in a deteriorated condition. Public infrastructure is either aged, in poor condition, or undersized. Most existing streets have either no or substandard sidewalks.

Part B Plan Initiatives. The Part B Plan addresses recent and historic negative trends within the Zone by creating a viable and attractive environment for new investment and redevelopment. Improvements have been identified that will enhance the community by attracting new businesses and residents to the area. Part B Plan projects include upgrades and improvements to public utility systems, public roadways and thoroughfares, transit facilities, trail systems, parks, provisions for public art, lighting, landscaping and environmental remediation. The goals of the Zone are to create a new urban neighborhood and gateways between the Near Northside and adjacent districts through the development of connections with other neighborhoods and activity centers, and enhance the sense of civic pride for area residents. In addition to the improvements

contemplated by the Part A Plan, the Part B Plan includes improvements listed as eligible project costs and which are located throughout the Zone:

- *Create pedestrian-friendly, safe environments through the reconstruction of streets and sidewalks, with ample lighting and streetscape amenities.* Streetscape enhancements are required to create an environment to stimulate investment in retail, residential, and commercial developments. Enhanced streetscape components include sidewalks, lighting, signage, street trees, landscaping, benches, and other pedestrian amenities. The construction of sidewalk systems, including ADA complaint ramps, will improve pedestrian safety, enhance the visual environment, and provide connectivity both within the community and to adjacent districts.
- *Redevelopment and upgrades to public green space, parks, and other appropriate recreational facilities.* Public infrastructure, regional trail systems and other enhancements to area parks and other public open green space will attract and support redevelopment and improve the quality of life of area neighborhoods and visitors.
- *Expand pedestrian-attractive retail developments.* Providing base-level retail functionality is essential to the continued expansion of residential projects in the area through the implementation of enhanced pedestrian amenities with an emphasis on parking, lighting, street trees, landscaping, wide sidewalks, and public art.
- *Metropolitan Transit Authority (METRO) Initiatives and complementing the revitalization activities proposed to occur along the METRO North Corridor Alignment.* METRO funding of public transit systems can be complemented by Zone activities including the funding of streetscape upgrades, right-of-way acquisition, and provisions for parking to serve retail needs. The METRO Solutions North Corridor alignment located within the Zone includes a proposed Burnett Plaza Intermodal Terminal. The planned facility would provide for light rail, bus services, car pool, and bicycle and pedestrian modes of transportation. This METRO program, when executed, will significantly impact economic development within the Zone and facilitate the construction of transit-oriented development. A primary goal of the Part B Plan is to maximize the positive economic impacts of the METRO initiatives.
- *Cultural and Public Facilities; Affordable Housing.* Increasing public and cultural facilities and affordable housing for current residents as well as for the Downtown workforce is an important public policy goal of the Part B Plan. Zone funds will be leveraged with private, public, and non-profit developers to integrate affordable housing into proposed redevelopment projects within the City. The Part B Plan provides for one-third of Zone revenues to be made available for affordable housing within or outside the Zone. These projects, along with improved infrastructure, additional fire, police, library, and public health facilities, and cultural and community centers, will improve security and enhance the quality of life for existing and new residents and businesses in the Zone.
- *Infrastructure Improvements.* Public streets and public utility systems are needed to create an environment that will stimulate private investment in retail, residential, multi-family, and commercial developments. Construction of key streets and utility systems will enhance the level of service in the area, improve functionality, replace aged facilities, and improve aesthetics.

All roadway improvements will be integrated with the street reconstruction programs of the City of Houston, TXDOT, METRO, and others as needed, and where possible will include elements not included by those programs. Attention will be focused on leveraging Zone funds through the funding of elements not addressed by the capital improvement programs of sister agencies.

Existing and Proposed Uses of Land in the Zone.

Map 1 reflects existing land uses in the Zone.

Map 2 reflects proposed uses of land in the Zone.

Estimated Non-Project Cost Items.

Non-Project Costs represent costs and expenditures for projected private and public investments that will not be funded by the Zone. The estimated cost for the METRO North Light Rail Line is \$677,000,000. In addition, the CRV Hardy Yards, L.P. mixed use project will invest an estimated \$380,000,000 in private and public improvements as part of the development.

There are no proposed changes of any city ordinance, master plan, or building codes. All construction will be done in conformance with existing rules and regulations of the City of Houston. No residents will be displaced by any of the projects to be undertaken by the Zone.

Part B Financing Plan

Estimated Project Costs. Exhibit 1 details estimated project costs, including administrative and educational project costs. The Part A Plan contained the categories of affordable housing and mobility improvements; the Part B Plan adds streetscape and other pedestrian enhancements, public green space and other appropriate recreational facilities, cultural and public facilities, public infrastructure, and METRO initiatives. Exhibit 1 includes the costs for the Part A Plan as those projects remain part of the overall Plan.

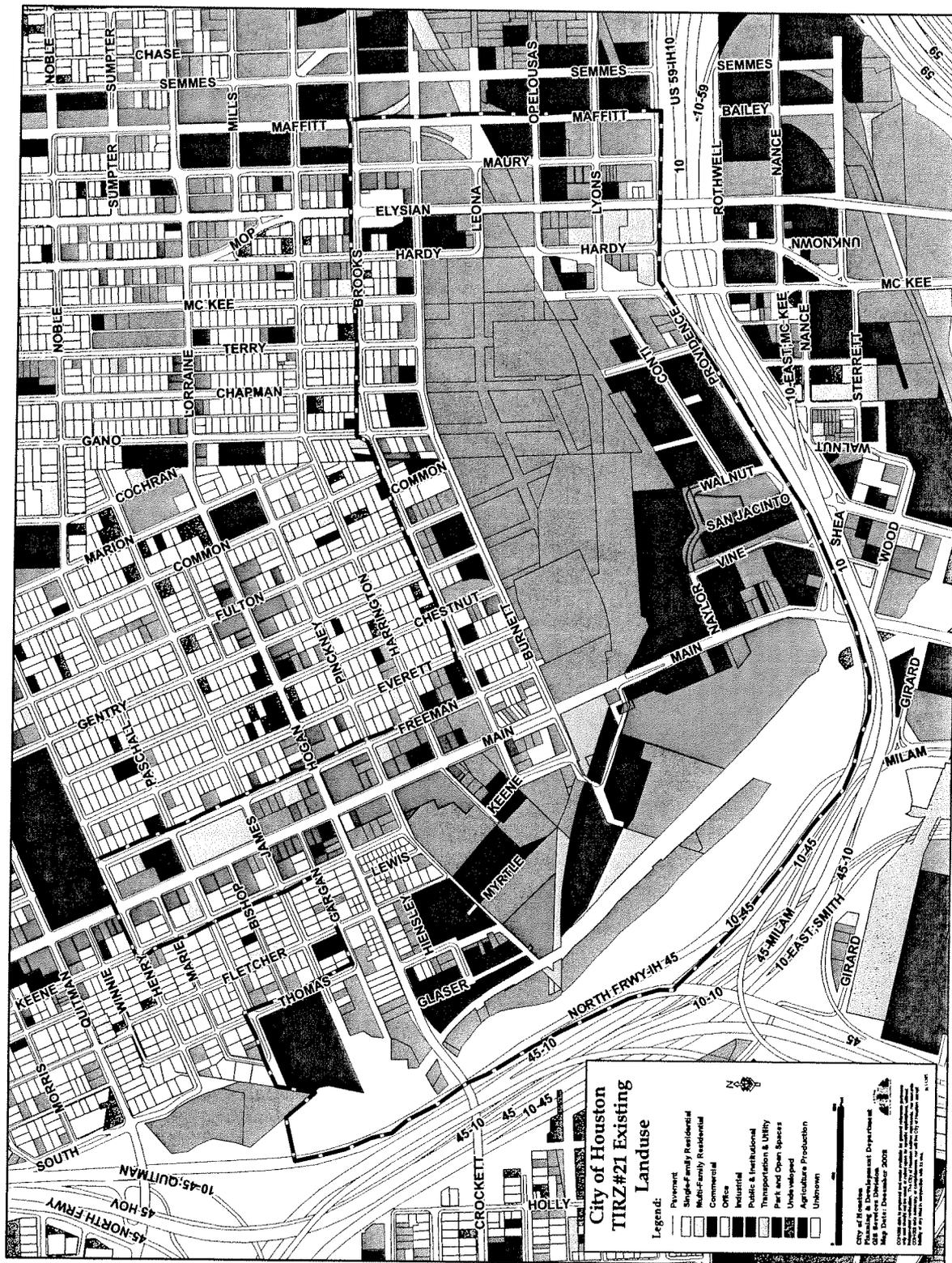
Economic Feasibility. Exhibit 2 reflects updated revenue estimates for the Zone. These estimates detail the total appraised value, the captured appraised value, and the net revenue for the Zone over the remaining life of the Zone.

Bonded Indebtedness/Methods of Financing. No Bonds have been issued. The Zone will explore available financing methods including, but not limited to, short-term notes, developer agreement financing, and collaboration with other entities for grant funding and partnerships. The value of these potential financing methods will correlate to the debt capacity as derived from the revenue and project schedules attached hereto.

Reinvestment Zone Duration. The Zone was created on December 17, 2003 and will terminate on December 31, 2033, for a duration of 30 years.

EXHIBITS

Map 1 – Map of Existing Land Uses within the Zone



Map 2 – Map of Proposed Land Uses in the Zone

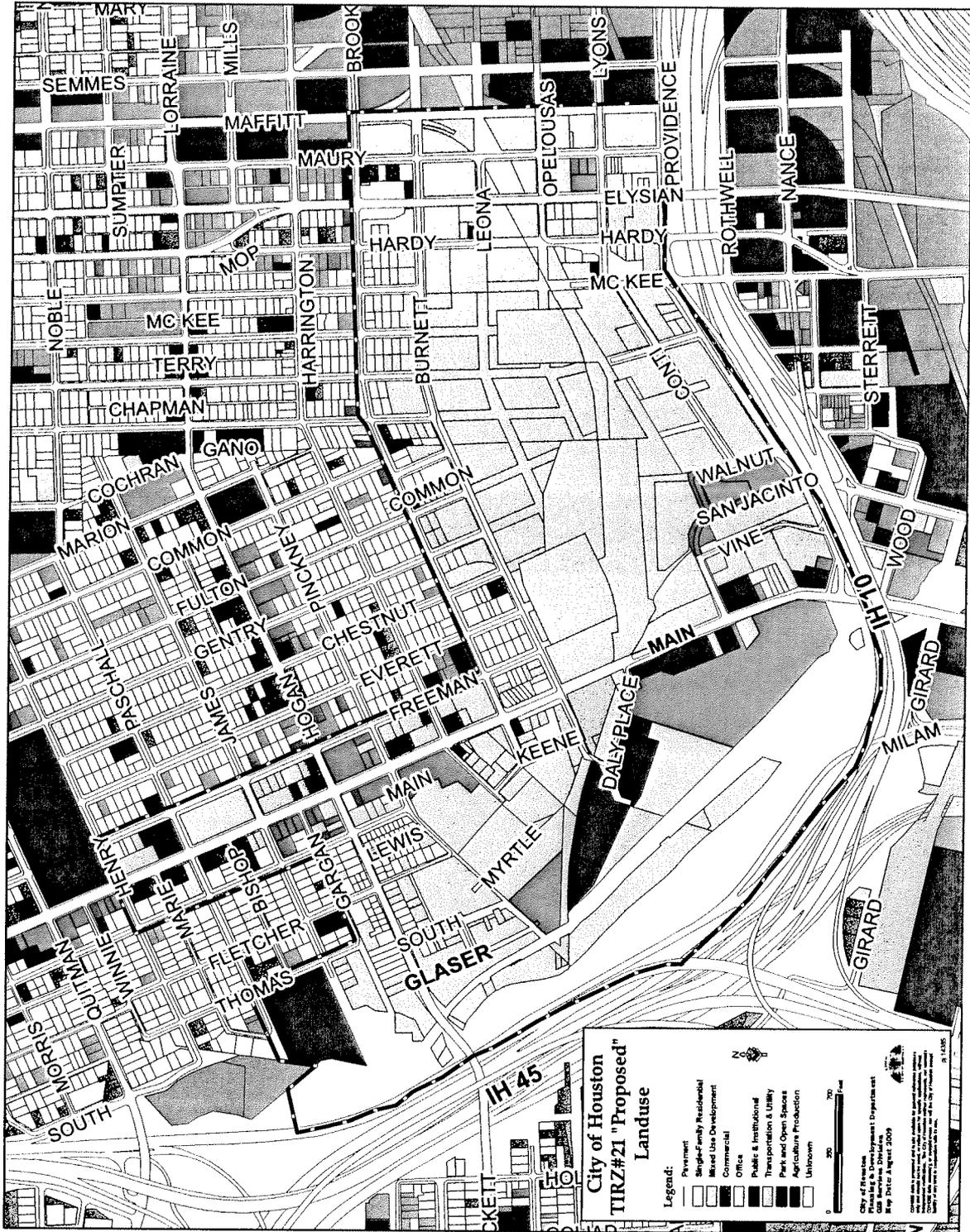


Exhibit I – Parts A and B Project Costs

Project Cost Amendments: The following table includes the approved project cost for the Part A Plan and the changes made to those budgets through this Part B Amendment:

| | Estimated Costs 2008 Plan | Estimated Costs 2009 Plan | Cumulative |
|---|------------------------------|------------------------------|----------------------|
| Infrastructure Improvements: | | | |
| Roadway and Sidewalk Improvements - Part A | | | |
| Roadway, Sidewalk and Landscape Improvements | \$ 16,000,000 | \$ - | \$ 16,000,000 |
| Roadway and Sidewalk - Part B | | | |
| Roadway, Sidewalk and Landscape Improvements | \$ - | \$ 21,692,000 | \$ 21,692,000 |
| Total Roadway and Sidewalk - Parts A & B | \$ 16,000,000 | \$ 21,692,000 | \$ 37,692,000 |
| Public Utility Improvements - Part A | | | |
| Public Utility Improvements | \$ - | \$ - | \$ - |
| Public Utility Improvements - Part B | | | |
| Public Utility Improvements - Part B | \$ - | \$ 1,929,000 | \$ 1,929,000 |
| Total Public Utility Improvements - Parts A & B | \$ - | \$ 1,929,000 | \$ 1,929,000 |
| Total Infrastructure Improvements - Parts A & B | \$ 16,000,000 | \$ 23,621,000 | \$ 39,621,000 |
| Other Project Costs: | | | |
| Parks and Recreational Facilities Improvements - Part A: | | | |
| Parks, Plazas and Public Space Improvements | \$ - | \$ - | \$ - |
| Parkand Recreational Facilities Improvements - Part B: | | | |
| Parks, Plazas and Public Space Improvements | \$ - | \$ 1,440,000 | \$ 1,440,000 |
| Total Parks and Recreational Facilities Improvements - Parts A & B | \$ - | \$ 1,440,000 | \$ 1,440,000 |
| Land Acquisition - Part A | | | |
| Land Assembly, Site Preparation, Environmental Remediation | \$ - | \$ - | \$ - |
| Land Acquisition - Part B | | | |
| Land Assembly, Site Preparation, Environmental Remediation | \$ - | \$ 4,820,000 | \$ 4,820,000 |
| Total Land Acquisition - Parts A & B | \$ - | \$ 4,820,000 | \$ 4,820,000 |
| Project Financing Costs - Parts A & B | | | |
| Financing Cost | \$ 1,700,000 | \$ - | \$ 1,700,000 |
| Total Project Financing Costs - Parts A & B | \$ 1,700,000 | \$ - | \$ 1,700,000 |
| Zone Creation and Operations - Parts A & B | | | |
| Zone Administration | \$ 2,200,000 | \$ - | \$ 2,200,000 |
| Total Creation Costs - Parts A & B | \$ 2,200,000 | \$ - | \$ 2,200,000 |
| Affordable Housing Costs - Part A | | | |
| Affordable Housing | \$ 5,000,000 | \$ - | \$ 5,000,000 |
| Affordable Housing Costs - Part B | | | |
| Affordable Housing | \$ - | \$ 12,500,000 | \$ 12,500,000 |
| Total Affordable Housing Costs - Parts A & B | \$ 5,000,000 | \$ 12,500,000 | \$ 17,500,000 |
| Total Other Project Costs - Parts A & B | \$ 8,900,000 | \$ 18,760,000 | \$ 27,660,000 |
| PROJECT PLAN TOTAL | \$ 24,900,000 | \$ 42,381,000 | \$ 67,281,000 |

Part B Plan Revenue Schedule
Exhibit 2

TIRZ 21 (Hardy Yards Zone) Revenue Schedule
2009 Amended Project Plan and Reinvestment Zone Financing Plan

| TY | Non-Cypress Revenue | Cypress Revenue | Total Revenue | Net Revenue (Less Transfers and Affordable Housing) |
|------|----------------------|----------------------|----------------------|---|
| 2009 | \$ 189,936 | \$ 61,431 | \$ 251,367 | \$ 105,010 |
| 2010 | \$ 214,759 | \$ 63,262 | \$ 278,022 | \$ 121,447 |
| 2011 | \$ 234,783 | \$ 63,262 | \$ 298,045 | \$ 133,795 |
| 2012 | \$ 255,707 | \$ 63,262 | \$ 318,970 | \$ 146,698 |
| 2013 | \$ 277,574 | \$ 213,251 | \$ 490,825 | \$ 252,675 |
| 2014 | \$ 300,424 | \$ 414,135 | \$ 714,559 | \$ 390,645 |
| 2015 | \$ 324,302 | \$ 1,028,585 | \$ 1,352,887 | \$ 784,280 |
| 2016 | \$ 349,255 | \$ 1,360,105 | \$ 1,709,360 | \$ 1,004,105 |
| 2017 | \$ 375,331 | \$ 1,638,120 | \$ 2,013,451 | \$ 1,191,628 |
| 2018 | \$ 402,580 | \$ 1,811,880 | \$ 2,214,460 | \$ 1,315,584 |
| 2019 | \$ 431,056 | \$ 1,881,226 | \$ 2,312,281 | \$ 1,375,907 |
| 2020 | \$ 460,813 | \$ 1,904,921 | \$ 2,365,734 | \$ 1,408,869 |
| 2021 | \$ 491,908 | \$ 1,904,921 | \$ 2,396,830 | \$ 1,428,045 |
| 2022 | \$ 524,404 | \$ 1,953,205 | \$ 2,477,608 | \$ 1,477,858 |
| 2023 | \$ 558,361 | \$ 1,953,205 | \$ 2,511,566 | \$ 1,498,799 |
| 2024 | \$ 593,847 | \$ 1,953,205 | \$ 2,547,051 | \$ 1,520,682 |
| 2025 | \$ 630,929 | \$ 2,027,917 | \$ 2,658,846 | \$ 1,589,622 |
| 2026 | \$ 669,680 | \$ 2,027,917 | \$ 2,697,597 | \$ 1,613,518 |
| 2027 | \$ 710,175 | \$ 2,027,917 | \$ 2,738,092 | \$ 1,638,490 |
| 2028 | \$ 752,493 | \$ 2,105,465 | \$ 2,857,958 | \$ 1,712,407 |
| 2029 | \$ 796,714 | \$ 2,105,465 | \$ 2,902,179 | \$ 1,739,677 |
| 2030 | \$ 842,925 | \$ 2,158,794 | \$ 3,001,719 | \$ 1,801,060 |
| 2031 | \$ 891,216 | \$ 2,185,959 | \$ 3,077,175 | \$ 1,847,591 |
| 2032 | \$ 941,681 | \$ 2,185,959 | \$ 3,127,639 | \$ 1,878,711 |
| 2033 | \$ 994,416 | \$ 2,185,959 | \$ 3,180,374 | \$ 1,911,231 |
| | \$ 13,215,269 | \$ 37,279,328 | \$ 50,494,598 | \$ 29,888,335 |

Part B Plan Revenue Schedule
Exhibit 9 AS AMENDED

TIRZ 21 (Hardy/Near Northside Zone) Revenue Schedule
2009 First Amended Project Plan and Reinvestment Zone Financing Plan

| Tax Year | Base Values (1) | | Projected Value | | Captured Appraised Value | | Collection Rate (2) | Tax Rate | Increment Revenue | | | Affordable Housing (3) | City Admin (5%) | Zone Administration | Net Revenue (Less Transfers and AH) |
|--------------|-----------------|--------------|-----------------|----------------|--------------------------|----------------|---------------------|----------|-------------------|---------------|---------------|------------------------|-----------------|---------------------|-------------------------------------|
| | Non-Cyprss | Cyprss | Non-Cyprss | Cyprss | Non-Cyprss | Cyprss | | | Non-Cyprss | Cyprss | Total | | | | |
| 2009 | \$ 37,937,190 | \$ 2,375,890 | \$ 70,170,888 | \$ 12,801,264 | \$ 32,233,698 | \$ 10,425,374 | 92.25% | 0.63875 | \$ 189,936 | \$ 61,431 | \$ 251,367 | \$ 83,788 | \$ 12,568 | \$ 50,000 | \$ 105,010 |
| 2010 | \$ 37,937,190 | \$ 2,375,890 | \$ 73,328,578 | \$ 12,801,264 | \$ 35,391,388 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 214,759 | \$ 63,262 | \$ 278,022 | \$ 92,674 | \$ 13,901 | \$ 50,000 | \$ 121,447 |
| 2011 | \$ 37,937,190 | \$ 2,375,890 | \$ 76,628,364 | \$ 12,801,264 | \$ 38,691,174 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 234,783 | \$ 63,262 | \$ 298,045 | \$ 99,348 | \$ 14,902 | \$ 50,000 | \$ 133,795 |
| 2012 | \$ 37,937,190 | \$ 2,375,890 | \$ 80,076,641 | \$ 12,801,264 | \$ 42,139,451 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 255,707 | \$ 63,262 | \$ 318,970 | \$ 106,323 | \$ 15,948 | \$ 50,000 | \$ 146,698 |
| 2013 | \$ 37,937,190 | \$ 2,375,890 | \$ 83,680,090 | \$ 37,518,749 | \$ 45,742,900 | \$ 35,142,859 | 95.00% | 0.63875 | \$ 277,574 | \$ 213,251 | \$ 490,825 | \$ 163,608 | \$ 24,541 | \$ 50,000 | \$ 252,675 |
| 2014 | \$ 37,937,190 | \$ 2,375,890 | \$ 87,445,694 | \$ 70,623,527 | \$ 49,508,504 | \$ 88,247,637 | 95.00% | 0.63875 | \$ 300,424 | \$ 414,135 | \$ 714,559 | \$ 238,186 | \$ 35,728 | \$ 50,000 | \$ 390,645 |
| 2015 | \$ 37,937,190 | \$ 2,375,890 | \$ 91,380,750 | \$ 171,882,110 | \$ 53,443,560 | \$ 169,506,220 | 95.00% | 0.63875 | \$ 324,302 | \$ 1,028,585 | \$ 1,352,887 | \$ 450,962 | \$ 67,644 | \$ 50,000 | \$ 784,280 |
| 2016 | \$ 37,937,190 | \$ 2,375,890 | \$ 95,492,884 | \$ 226,515,100 | \$ 57,555,694 | \$ 224,139,210 | 95.00% | 0.63875 | \$ 349,255 | \$ 1,360,105 | \$ 1,709,360 | \$ 569,787 | \$ 85,468 | \$ 50,000 | \$ 1,004,105 |
| 2017 | \$ 37,937,190 | \$ 2,375,890 | \$ 99,790,063 | \$ 272,330,820 | \$ 61,852,873 | \$ 289,954,930 | 95.00% | 0.63875 | \$ 375,331 | \$ 1,638,120 | \$ 2,013,451 | \$ 671,150 | \$ 100,673 | \$ 50,000 | \$ 1,191,628 |
| 2018 | \$ 37,937,190 | \$ 2,375,890 | \$ 104,290,616 | \$ 300,965,645 | \$ 66,343,428 | \$ 298,589,755 | 95.00% | 0.63875 | \$ 402,580 | \$ 1,811,890 | \$ 2,214,460 | \$ 738,153 | \$ 110,723 | \$ 50,000 | \$ 1,315,584 |
| 2019 | \$ 37,937,190 | \$ 2,375,890 | \$ 108,973,244 | \$ 312,393,522 | \$ 71,036,054 | \$ 310,017,632 | 95.00% | 0.63875 | \$ 431,056 | \$ 1,881,226 | \$ 2,312,281 | \$ 770,760 | \$ 115,614 | \$ 50,000 | \$ 1,375,907 |
| 2020 | \$ 37,937,190 | \$ 2,375,890 | \$ 113,877,040 | \$ 316,298,441 | \$ 75,939,850 | \$ 313,922,551 | 95.00% | 0.63875 | \$ 460,813 | \$ 1,904,921 | \$ 2,365,734 | \$ 788,578 | \$ 118,287 | \$ 50,000 | \$ 1,408,869 |
| 2021 | \$ 37,937,190 | \$ 2,375,890 | \$ 119,001,507 | \$ 316,298,441 | \$ 81,064,317 | \$ 313,922,551 | 95.00% | 0.63875 | \$ 491,908 | \$ 1,904,921 | \$ 2,396,830 | \$ 798,943 | \$ 119,841 | \$ 50,000 | \$ 1,428,045 |
| 2022 | \$ 37,937,190 | \$ 2,375,890 | \$ 124,356,574 | \$ 324,255,324 | \$ 86,419,384 | \$ 321,879,434 | 95.00% | 0.63875 | \$ 524,404 | \$ 1,953,205 | \$ 2,477,608 | \$ 825,869 | \$ 123,880 | \$ 50,000 | \$ 1,477,658 |
| 2023 | \$ 37,937,190 | \$ 2,375,890 | \$ 129,952,620 | \$ 324,255,324 | \$ 92,015,430 | \$ 321,879,434 | 95.00% | 0.63875 | \$ 558,361 | \$ 1,953,205 | \$ 2,511,566 | \$ 837,189 | \$ 125,578 | \$ 50,000 | \$ 1,498,759 |
| 2024 | \$ 37,937,190 | \$ 2,375,890 | \$ 135,800,488 | \$ 324,255,324 | \$ 97,863,298 | \$ 321,879,434 | 95.00% | 0.63875 | \$ 593,847 | \$ 1,953,205 | \$ 2,547,051 | \$ 848,017 | \$ 127,353 | \$ 50,000 | \$ 1,520,682 |
| 2025 | \$ 37,937,190 | \$ 2,375,890 | \$ 141,911,510 | \$ 336,567,526 | \$ 103,974,320 | \$ 334,191,636 | 95.00% | 0.63875 | \$ 630,929 | \$ 2,027,917 | \$ 2,658,846 | \$ 866,282 | \$ 132,942 | \$ 50,000 | \$ 1,589,822 |
| 2026 | \$ 37,937,190 | \$ 2,375,890 | \$ 148,297,528 | \$ 336,567,526 | \$ 110,360,338 | \$ 334,191,636 | 95.00% | 0.63875 | \$ 669,580 | \$ 2,027,917 | \$ 2,697,597 | \$ 899,199 | \$ 134,880 | \$ 50,000 | \$ 1,613,518 |
| 2027 | \$ 37,937,190 | \$ 2,375,890 | \$ 154,970,917 | \$ 348,347,232 | \$ 117,033,727 | \$ 334,191,636 | 95.00% | 0.63875 | \$ 710,175 | \$ 2,027,917 | \$ 2,738,092 | \$ 912,697 | \$ 136,905 | \$ 50,000 | \$ 1,712,407 |
| 2028 | \$ 37,937,190 | \$ 2,375,890 | \$ 161,944,608 | \$ 348,347,232 | \$ 124,007,418 | \$ 346,971,342 | 95.00% | 0.63875 | \$ 752,493 | \$ 2,105,465 | \$ 2,857,958 | \$ 952,653 | \$ 142,898 | \$ 50,000 | \$ 1,638,490 |
| 2029 | \$ 37,937,190 | \$ 2,375,890 | \$ 169,232,116 | \$ 348,347,232 | \$ 131,294,928 | \$ 346,971,342 | 95.00% | 0.63875 | \$ 796,714 | \$ 2,105,465 | \$ 2,902,179 | \$ 967,393 | \$ 145,109 | \$ 50,000 | \$ 1,739,677 |
| 2030 | \$ 37,937,190 | \$ 2,375,890 | \$ 176,847,561 | \$ 358,135,498 | \$ 138,910,371 | \$ 355,759,608 | 95.00% | 0.63875 | \$ 842,925 | \$ 2,158,794 | \$ 3,001,719 | \$ 1,000,573 | \$ 150,088 | \$ 50,000 | \$ 1,801,060 |
| 2031 | \$ 37,937,190 | \$ 2,375,890 | \$ 184,805,701 | \$ 362,612,192 | \$ 146,868,511 | \$ 360,236,302 | 95.00% | 0.63875 | \$ 891,216 | \$ 2,185,959 | \$ 3,077,175 | \$ 1,025,725 | \$ 153,858 | \$ 50,000 | \$ 1,847,581 |
| 2032 | \$ 37,937,190 | \$ 2,375,890 | \$ 193,121,958 | \$ 362,612,192 | \$ 155,194,768 | \$ 360,236,302 | 95.00% | 0.63875 | \$ 941,681 | \$ 2,185,959 | \$ 3,127,639 | \$ 1,042,546 | \$ 156,382 | \$ 50,000 | \$ 1,878,711 |
| 2033 | \$ 37,937,190 | \$ 2,375,890 | \$ 201,612,446 | \$ 362,612,192 | \$ 163,875,256 | \$ 360,236,302 | 95.00% | 0.63875 | \$ 994,416 | \$ 2,185,959 | \$ 3,180,374 | \$ 1,060,125 | \$ 159,019 | \$ 50,000 | \$ 1,911,231 |
| Total | | | | | | | | | \$ 13,215,268 | \$ 37,278,328 | \$ 50,494,598 | \$ 16,831,533 | \$ 2,524,730 | \$ 1,250,000 | \$ 29,888,315 |

Notes:
(1) Base Year is Tax Year 2003
(2) Collection Rate for TY09 uses same collection rate as TY08, TY10 to TY33 uses 95%
(3) The annual affordable housing set-aside will be the greater of one-third of the actual revenues or the amount reflected in Exhibit 9 of the Part B Plan.

| | |
|--------------|------------------|
| Non-Cyprss | \$ 4,405,089.72 |
| Cyprss | \$ 12,426,442.83 |
| Total | \$ 16,831,532.54 |

Part B Plan Revenue Schedule
Exhibit 3A

**TIRZ 21 (Hardy Yards Zone) Revenue Schedule
TIRZ Parcels (Less Cypress Development Parcels)
2009 Amended Project Plan and Reinvestment Zone Financing Plan**

| Tax Year | Fiscal Year | Base Value (1) | Projected Value (2) | Captured Appraised Value | Collection Rate (3) | Tax Rate | Increment Revenue |
|--------------|-------------|----------------|---------------------|--------------------------|---------------------|----------|----------------------|
| 2009 | 2010 | \$ 37,937,190 | \$ 70,170,888 | \$ 32,233,698 | 92.25% | 0.63875 | \$ 189,936 |
| 2010 | 2011 | \$ 37,937,190 | \$ 73,328,578 | \$ 35,391,388 | 95.00% | 0.63875 | \$ 214,759 |
| 2011 | 2012 | \$ 37,937,190 | \$ 76,628,364 | \$ 38,691,174 | 95.00% | 0.63875 | \$ 234,783 |
| 2012 | 2013 | \$ 37,937,190 | \$ 80,076,641 | \$ 42,139,451 | 95.00% | 0.63875 | \$ 255,707 |
| 2013 | 2014 | \$ 37,937,190 | \$ 83,680,090 | \$ 45,742,900 | 95.00% | 0.63875 | \$ 277,574 |
| 2014 | 2015 | \$ 37,937,190 | \$ 87,445,684 | \$ 49,508,504 | 95.00% | 0.63875 | \$ 300,424 |
| 2015 | 2016 | \$ 37,937,190 | \$ 91,380,750 | \$ 53,443,560 | 95.00% | 0.63875 | \$ 324,302 |
| 2016 | 2017 | \$ 37,937,190 | \$ 95,492,884 | \$ 57,555,694 | 95.00% | 0.63875 | \$ 349,255 |
| 2017 | 2018 | \$ 37,937,190 | \$ 99,790,063 | \$ 61,852,873 | 95.00% | 0.63875 | \$ 375,331 |
| 2018 | 2019 | \$ 37,937,190 | \$ 104,280,616 | \$ 66,343,426 | 95.00% | 0.63875 | \$ 402,580 |
| 2019 | 2020 | \$ 37,937,190 | \$ 108,973,244 | \$ 71,036,054 | 95.00% | 0.63875 | \$ 431,056 |
| 2020 | 2021 | \$ 37,937,190 | \$ 113,877,040 | \$ 75,939,850 | 95.00% | 0.63875 | \$ 460,813 |
| 2021 | 2022 | \$ 37,937,190 | \$ 119,001,507 | \$ 81,064,317 | 95.00% | 0.63875 | \$ 491,908 |
| 2022 | 2023 | \$ 37,937,190 | \$ 124,356,574 | \$ 86,419,384 | 95.00% | 0.63875 | \$ 524,404 |
| 2023 | 2024 | \$ 37,937,190 | \$ 129,952,620 | \$ 92,015,430 | 95.00% | 0.63875 | \$ 558,361 |
| 2024 | 2025 | \$ 37,937,190 | \$ 135,800,488 | \$ 97,863,298 | 95.00% | 0.63875 | \$ 593,847 |
| 2025 | 2026 | \$ 37,937,190 | \$ 141,911,510 | \$ 103,974,320 | 95.00% | 0.63875 | \$ 630,929 |
| 2026 | 2027 | \$ 37,937,190 | \$ 148,297,528 | \$ 110,360,338 | 95.00% | 0.63875 | \$ 669,680 |
| 2027 | 2028 | \$ 37,937,190 | \$ 154,970,917 | \$ 117,033,727 | 95.00% | 0.63875 | \$ 710,175 |
| 2028 | 2029 | \$ 37,937,190 | \$ 161,944,608 | \$ 124,007,418 | 95.00% | 0.63875 | \$ 752,493 |
| 2029 | 2030 | \$ 37,937,190 | \$ 169,232,116 | \$ 131,294,926 | 95.00% | 0.63875 | \$ 796,714 |
| 2030 | 2031 | \$ 37,937,190 | \$ 176,847,561 | \$ 138,910,371 | 95.00% | 0.63875 | \$ 842,925 |
| 2031 | 2032 | \$ 37,937,190 | \$ 184,805,701 | \$ 146,868,511 | 95.00% | 0.63875 | \$ 891,216 |
| 2032 | 2033 | \$ 37,937,190 | \$ 193,121,958 | \$ 155,184,768 | 95.00% | 0.63875 | \$ 941,681 |
| 2033 | 2034 | \$ 37,937,190 | \$ 201,812,446 | \$ 163,875,256 | 95.00% | 0.63875 | \$ 994,416 |
| Total | | | | | | | \$ 13,215,269 |

Notes:

- (1) Base Year is Tax Year 2003 and takes into consideration TIRZ accounts less Hardy Development accounts.
- (2) Tax Year 2009 Certified Property Values include Hearing Loss as of 8/21/2009; Tax Years 2010 to 2033 increase at an annual rate of gro
- (3) Collection Rate for TY09 uses same collection rate as TY08; TY10 to TY33 uses 95%

Part B Plan Revenue Schedule
Exhibit 3B

TIRZ 21 (Hardy Yards Zone) Revenue Schedule
Cypress Development Parcels Only
2009 Amended Project Plan and Reinvestment Zone Financing Plan

| Tax Year | Fiscal Year | Base Value (1) | Projected Value (2) | Captured Appraised Value | Collection Rate (3) | Tax Rate | Increment Revenue |
|--------------|-------------|----------------|---------------------|--------------------------|---------------------|----------|----------------------|
| 2009 | 2010 | \$ 2,375,890 | \$ 12,801,264 | \$ 10,425,374 | 92.25% | 0.63875 | \$ 61,431 |
| 2010 | 2011 | \$ 2,375,890 | \$ 12,801,264 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 63,262 |
| 2011 | 2012 | \$ 2,375,890 | \$ 12,801,264 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 63,262 |
| 2012 | 2013 | \$ 2,375,890 | \$ 12,801,264 | \$ 10,425,374 | 95.00% | 0.63875 | \$ 63,262 |
| 2013 | 2014 | \$ 2,375,890 | \$ 37,518,749 | \$ 35,142,859 | 95.00% | 0.63875 | \$ 213,251 |
| 2014 | 2015 | \$ 2,375,890 | \$ 70,623,527 | \$ 68,247,637 | 95.00% | 0.63875 | \$ 414,135 |
| 2015 | 2016 | \$ 2,375,890 | \$ 171,882,110 | \$ 169,506,220 | 95.00% | 0.63875 | \$ 1,028,585 |
| 2016 | 2017 | \$ 2,375,890 | \$ 226,515,100 | \$ 224,139,210 | 95.00% | 0.63875 | \$ 1,360,105 |
| 2017 | 2018 | \$ 2,375,890 | \$ 272,330,820 | \$ 269,954,930 | 95.00% | 0.63875 | \$ 1,638,120 |
| 2018 | 2019 | \$ 2,375,890 | \$ 300,965,645 | \$ 298,589,755 | 95.00% | 0.63875 | \$ 1,811,880 |
| 2019 | 2020 | \$ 2,375,890 | \$ 312,393,522 | \$ 310,017,632 | 95.00% | 0.63875 | \$ 1,881,226 |
| 2020 | 2021 | \$ 2,375,890 | \$ 316,298,441 | \$ 313,922,551 | 95.00% | 0.63875 | \$ 1,904,921 |
| 2021 | 2022 | \$ 2,375,890 | \$ 316,298,441 | \$ 313,922,551 | 95.00% | 0.63875 | \$ 1,904,921 |
| 2022 | 2023 | \$ 2,375,890 | \$ 324,255,324 | \$ 321,879,434 | 95.00% | 0.63875 | \$ 1,953,205 |
| 2023 | 2024 | \$ 2,375,890 | \$ 324,255,324 | \$ 321,879,434 | 95.00% | 0.63875 | \$ 1,953,205 |
| 2024 | 2025 | \$ 2,375,890 | \$ 324,255,324 | \$ 321,879,434 | 95.00% | 0.63875 | \$ 1,953,205 |
| 2025 | 2026 | \$ 2,375,890 | \$ 336,567,526 | \$ 334,191,636 | 95.00% | 0.63875 | \$ 2,027,917 |
| 2026 | 2027 | \$ 2,375,890 | \$ 336,567,526 | \$ 334,191,636 | 95.00% | 0.63875 | \$ 2,027,917 |
| 2027 | 2028 | \$ 2,375,890 | \$ 336,567,526 | \$ 334,191,636 | 95.00% | 0.63875 | \$ 2,027,917 |
| 2028 | 2029 | \$ 2,375,890 | \$ 349,347,232 | \$ 346,971,342 | 95.00% | 0.63875 | \$ 2,105,465 |
| 2029 | 2030 | \$ 2,375,890 | \$ 349,347,232 | \$ 346,971,342 | 95.00% | 0.63875 | \$ 2,105,465 |
| 2030 | 2031 | \$ 2,375,890 | \$ 358,135,498 | \$ 355,759,608 | 95.00% | 0.63875 | \$ 2,158,794 |
| 2031 | 2032 | \$ 2,375,890 | \$ 362,612,192 | \$ 360,236,302 | 95.00% | 0.63875 | \$ 2,185,959 |
| 2032 | 2033 | \$ 2,375,890 | \$ 362,612,192 | \$ 360,236,302 | 95.00% | 0.63875 | \$ 2,185,959 |
| 2033 | 2034 | \$ 2,375,890 | \$ 362,612,192 | \$ 360,236,302 | 95.00% | 0.63875 | \$ 2,185,959 |
| Total | | | | | | | \$ 37,279,328 |

Notes:

- (1) Base Year is Tax Year 2003 and takes into consideration only the accounts related to Hardy Development
- (2) Tax Years 2009 to 2033 Property Values provided by developer
- (3) Collection Rate for TY09 uses same collection rate as TY08; TY10 to TY33 uses 95%

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Ordinance Authorizing a Service Agreement with Texas NICUSA, LLC, to provide online payment services for the Municipal Courts Administration and Planning & Development Departments.

Category #

Page 1 of 1

Agenda Item#

39

FROM: (Department or other point of origin):

Richard Lewis
Chief Technology Officer
Information Technology

Alfred J. Moran, Jr.
Director
Administration & Regulatory Affairs

Origination Date

November 9, 2009

Agenda Date

DEC 09 2009

DIRECTOR'S SIGNATURE:

Richard Lewis

Council Districts affected:

ALL

For additional information contact:

Mark Stinnett

Phone: (832) 393-0200

Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the Directors of the Information Technology and Administration & Regulatory Affairs Departments to execute a Service Level Agreement with Texas NICUSA, LLC, serving as a service provider for the Texas Department of Information Resources' ("DIR") Texas Electronic Framework ("TexasOnline"), to provide online payment services.

Spending Authority:

Revenue

Finance Budget:

SOURCE OF FUNDING:

General Fund
 Grant Fund
 Enterprise Fund
 Other (Specify)

SPECIFIC EXPLANATION:

On July 31, 2009, the Texas Department of Information Resources (DIR) selected Texas NICUSA, LLC, to manage the TexasOnline portal. The Municipal Courts Administration Department (MCAD) uses TexasOnline to process traffic ticket payments and also parking payments on behalf of the General Services Department (GSD). The Planning & Development Department (PD) uses TexasOnline to accept payments for plat submittal applications. The City has an existing service level agreement (SLA) with Texas NICUSA as successor to the original service provider, BearingPoint, Inc. The original agreement expires on December 31, 2009, and the City must enter into a new agreement for the online payment services to continue.

The new agreement does not change the fees charged or the way payments are processed. For MCAD, customers pay a \$5 convenience fee in addition to their bill. For PD, the convenience fee is \$0.25 plus 2.25% of the transaction amount. Texas NICUSA processes the payments electronically, depositing the proceeds in a merchant account that it operates on behalf of the City. Credit card processing fees are deducted from this merchant account. Texas NICUSA bills the City monthly for TexasOnline service fees. MCAD receives a revenue share of \$0.55 per citation paid online, and this amount shall be reflected as a credit on the monthly invoices. MCAD transfers the parking revenue it collects to GSD.

| | Est. Annual Proceeds (000s) | |
|-----------------------|-----------------------------|---------|
| | Planning | MCAD |
| Gross Revenue | \$2,000 | \$9,970 |
| Less Credit Card Fees | (45) | (205) |
| Plus Revenue Share | | 30 |
| Net Proceeds | \$1,955 | \$9,795 |
| Transaction Counts | 2 | 55 |

The benefits of this SLA to the City include improved receipts and reduced liability. Preserving the customers' ability to pay invoices online makes it easier for them to take care of their business. Texas NICUSA handles the credit card information and operates the merchant account, thereby limiting the City's liability exposure with respect to securing customer credit card data.

Sahira Abdool
Director
Municipal Courts Administration

Sahira Abdool

REQUIRED AUTHORIZATION

Issa Dadoush
Director
General Services

Issa Dadoush

Marlene G. Garlick
Marlene Garlick
Director
Planning & Development

MOT

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | |
|---|------------------------|-----------------------|----------------------------|
| SUBJECT: Construction Management At Risk Agreement with Manhattan Construction Company for renovations at Terminal D, George Bush Intercontinental Airport/Houston (IAH); Project No. 500N (WBS #A-000483-0004-4-01) | Category # 7 | Page 1 of 2 | Agenda Item # 40 |
|---|------------------------|-----------------------|----------------------------|

| | | |
|--|--|------------------------------------|
| FROM (Department or other point of origin): Houston Airport System | Origination Date November 20, 2009 | Agenda Date DEC 9 9 2009 |
|--|--|------------------------------------|

| | |
|--|--|
| DIRECTOR'S SIGNATURE: <i>Am</i> <i>Eric R. Potts</i> | Council District affected: B |
|--|--|

| | |
|--|--|
| For additional information contact: John Silva <i>JS</i> Phone: 281-233-1925 Robert Bielek <i>RNB</i> Phone: 281-233-1941 | Date and identification of prior authorizing Council action: N/A |
|--|--|

| | |
|---|-------------------------------------|
| AMOUNT & SOURCE OF FUNDING: CIP No. A-0483.15 \$ 3,515,246.00 Arpt Syst Consolidated 2004 AMT Fd (8203) CIP No. A-0422.71 \$ 61,517.00 Arpt Improvemt Fd (8011) TOTAL \$ 3,576,763.00 <i>INW</i> <i>EE</i> | Prior appropriations: N/A |
|---|-------------------------------------|

RECOMMENDATION: (Summary)
Enact an ordinance to approve Construction Management At Risk Agreement with Manhattan Construction Company and appropriate the necessary funds to finance the cost of the project.

PROJECT LOCATION: Terminal D at George Bush Intercontinental Airport/Houston (IAH).

SPECIFIC EXPLANATION: The Houston Airport System (HAS) Director has determined that the Construction Management-At-Risk (CMAR) delivery method provides the best value to the City due to the specialized nature of the construction of this project.

The project consists of providing Construction Manager support for the design of improvements to Terminal D. While the contract appropriation covers all services that could be provided throughout the design phase, work will be directed to improvements to the base building (Phase I) and cost estimates for both phases by letter of authorization.

The initial appropriation of \$3,515,246.00 will be used to pay for pre-construction services, including but not limited to, construction document review and revisions, value engineering, budget and cost consulting, developing a Critical Path Project schedule for each phase and for the overall project, and regulatory compliance with Federal, State and City requirements. After 80% of the subcontracts for Phase I are determined, a Phase I GMP will be presented to City Council for approval prior to beginning construction work.

This project was advertised in accordance with the requirements of the State bid laws and five (5) firms responded to the Request for Qualifications (Austin Commercial, Clark Construction, Manhattan Construction, Parsons Aviation and Turner Aviation). The evaluation committee, consisting of HAS professionals and management staff, evaluated and ranked the proposals, interviewed the three short-listed firms and selected Manhattan Construction Company as the recommended CMAR.

The project has been registered with the US Green Building Council with a LEED Goal of Silver.

REQUIRED AUTHORIZATION

| | | |
|----------------------------|-----------------------------|---------------------------------------|
| Finance Department: | Other Authorization: | Other Authorization: <i>MO</i> |
|----------------------------|-----------------------------|---------------------------------------|

| | | | |
|----------------------------------|---|-------------------------------------|-----------------------|
| Date November 20, 2009 | Subject: Construction Management At Risk Agreement with Manhattan Construction Company for renovations at Terminal D, George Bush Intercontinental Airport/Houston (IAH); Project No. 500N (WBS #A-000483-0004-4-01) | Originator's Initials JBC | Page 2 of 2 |
|----------------------------------|---|-------------------------------------|-----------------------|

The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides benefits for some employees but will pay into the Contractor Responsibility Fund for others, in compliance with City policy.

PROJECT COSTS: The total amount to be appropriated for Pre-Construction Services is as follows:

| | |
|-----------------|---------------------------|
| \$ 3,515,246.00 | Pre-Construction Services |
| \$ 61,517.00 | Civic Art (1.75%) |
| \$ 3,576,763.00 | Total |

MBE / WBE / SBE PARTICIPATION: This contract has a thirty-three percent (33%) participation goal, which is comprised of fifteen percent (15%) MBE, seventeen percent (17%) SBE and one percent (1%) WBE participation goal, to be met by the Prime Contractor (CMAR) throughout the term of the contract. The CMAR is specifically tasked with maintaining the project budget, schedules and advertising of select bid packages that provide for business opportunities within the minority contracting community. Additionally, the CMAR will continue to work with the HAS Small Business Development Contract Compliance Office in their ongoing efforts to reach out to Minority, Small and Woman owned businesses, to meet and/or exceed the assigned goals on this project.

The Federal Aviation Administration has approved this project and the alternate delivery method.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | |
|---|-------------------|-----------------------|----------------------------|
| SUBJECT: Amendment No. 1 to an Agreement between the Houston Airport System and the Greater Harris County 9-1-1 Network for "Private Switch ALI Services." | Category # | Page 1 of 2 | Agenda Item # 41 |
|---|-------------------|-----------------------|----------------------------|

| | | |
|--|--|-----------------------------------|
| FROM (Department or other point of origin): Houston Airport System | Origination Date November 23, 2009 | Agenda Date DEC 09 2009 |
|--|--|-----------------------------------|

| | |
|--|--|
| DIRECTOR'S SIGNATURE: <i>Am</i> <i>Tom Unbehauen</i> (for Eric R. Potts) | Council District affected: B, E, I |
|--|--|

| | |
|---|--|
| For additional information contact: Frank M. Haley, Jr. <i>F. M. Haley</i> Phone: 281/233-1835 Lisa Kent <i>L. Kent</i> 281/233-1971 | Date and identification of prior authorizing Council action: 12/5/07 (O) 2007-1354 |
|---|--|

| | |
|---|--|
| AMOUNT & SOURCE OF FUNDING: N/A | Prior appropriations: HAS Revenue Fund \$60,000.00 |
|---|--|

RECOMMENDATION: (Summary)

Enact an ordinance to approve and authorize an amendment to an interlocal agreement between the Houston Airport System and the Greater Harris County 9-1-1 Network for "Private Switch ALI Services."

SPECIFIC EXPLANATION:

On December 5, 2007, an agreement between the Greater Harris County 9-1-1 Network (GHC) and the Houston Airport System (HAS) was approved by Council to provide Private Switch ALI Services. Since implementation of the agreement, GHC has been approved by the Public Utilities Commission (PUC) as a Certificated Telecommunications Utility (CTU). Subsequent to this approval, GHC brought its database management services in-house, creating cost efficiencies which GHC desires to pass on to HAS through a rate reduction.

The service provided by GHC enhanced the previous methodology that presented emergency response challenges for campus environments such as HAS where telephone service may be provided from one location to multiple buildings with different physical addresses. Many states have legislated the requirement for telephone system owners to maintain detailed location information about each device served by their system, and to regularly transmit that information to the local telephone company and/or 911 agency. This is commonly categorized as "Enhanced 911" or E911. The Greater Harris County 9-1-1 Network refers to this specific service as "Private Switch ALI Services."

GHC has been successful in synchronizing the HAS location data with the Greater Harris County 9-1-1 database on a daily basis. 911 call takers receive more accurate location information immediately upon receiving the 911 call rather than HAS personnel having to place return calls and providing escort personnel.

HAS recommends approval of this amendment which will recognize the CTU status of the GHC and in-house database management services, and allows for rate adjustments.

The IT Steering Committee has approved this project.

REQUIRED AUTHORIZATION

| | | |
|----------------------------|-----------------------------|-----------------------------|
| FINANCE DEPARTMENT: | Other Authorization: | Other Authorization: |
|----------------------------|-----------------------------|-----------------------------|

TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION**

| | | | |
|---|-------------------|--------------------|-------------------------|
| SUBJECT: An ordinance approving a contract for elderly services with Montrose Counseling Center, Inc. through the Harris County Area Agency on Aging | Category # | Page 1 of 1 | Agenda Item # 42 |
|---|-------------------|--------------------|-------------------------|

| | | |
|---|-------------------------------------|-----------------------------------|
| FROM (Department or other point of origin): Department of Health and Human Services | Origination Date 11/06/09 | Agenda Date DEC 09 2009 |
|---|-------------------------------------|-----------------------------------|

| | |
|---|--|
| DIRECTOR'S SIGNATURE: <i>Celina Garcia Ridge for S.E.</i> | Council District affected: All |
|---|--|

| | |
|---|---|
| For additional information contact: Kathy Barton Telephone: 713-794-9998; pgr 713-826-5801 | Date and identification of prior authorizing Council action: |
|---|---|

RECOMMENDATION: (Summary)
Approval of an ordinance approving a contract for elderly services with Montrose Counseling Center, Inc. through the Harris County Area Agency on Aging

| | |
|---|----------------------------|
| Amount of Funding: Maximum Contract Amount: \$118,944.00 - Aging Title III Grant (Fund 5030) | Finance Department: |
|---|----------------------------|

SOURCE OF FUNDING: [] General Fund [X] Grant Fund [] Enterprise Fund [] Other (Specify): Aging Title III Grant (Fund 5030)

The Houston Department of Health and Human Services (HDHHS) requests City Council approval of an ordinance authorizing a new contract with Montrose Counseling Center, Inc., a provider of elderly services. The agreement will be effective on date of countersignature and shall remain in effect through September 30, 2010, with two one-year renewals.

The provider was selected through a Request for Proposal process conducted by the Harris County Area Agency on Aging. The ordinance sets a maximum contract amount for the provider and authorizes the HDHHS Director to allocate supplemental funding as it becomes available, up to the maximum amount. The Director may extend the contract for an additional 90 days if funds are available.

The City of Houston, as designated by the Texas Department of Aging and Disability Services, has full authority and responsibility for funds authorized under the Older Americans Act of 1965, as amended. These funds are disbursed by the U.S. Department of Health and Human Services through the Texas Department of Aging and Disability Services and administered by the Department's Harris County Area Agency on Aging.

- The service provided by this contractor includes:
- **Support Services** include the provision of mental health services.

The Contractor and their respective total contract value is:

| Provider | Maximum Contract Amount | Service |
|----------------------------------|-------------------------|---|
| Montrose Counseling Center, Inc. | \$118,944.00 | Health Maintenance – Mental Health Services |

The proposed contract requires compliance with the City's Pay or Play ordinance regarding health benefits for employees of City contractors. In this case the Contractor provides health benefits to eligible employees in compliance with City policy.

REQUIRED AUTHORIZATION

NDT

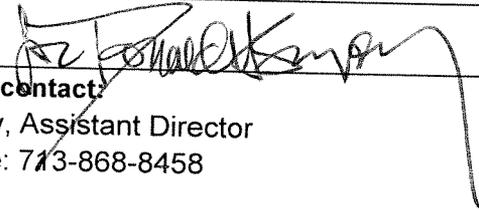
| | | |
|---------------------------|-----------------------------|-----------------------------|
| Finance Department | Other Authorization: | Other Authorization: |
|---------------------------|-----------------------------|-----------------------------|

HCDO9-186

TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION**

| | | | |
|--|-------------------|-----------------------|-----------------------------------|
| SUBJECT: An ordinance authorizing and approving a Modification of the Grant and Land Use Restriction Agreement between the City of Houston and William A. Lawson for Peace and Prosperity (WALIPP) for the modification of designated units for Very Low Income Families. | Category # | Page 1 of 1 | Agenda Item # 43 |
| | | | |

| | | |
|--|------------------------------------|-----------------------------------|
| FROM (Department or other point of origin): Richard S. Celli, Director Housing and Community Development Department | Origination Date 7/13/09 | Agenda Date DEC 09 2009 |
|--|------------------------------------|-----------------------------------|

| | |
|---|--|
| DIRECTOR'S SIGNATURE:  | Council District affected: "D" |
|---|--|

| | |
|---|---|
| For additional information contact: Donald Sampley, Assistant Director Phone: 713-868-8458 | Date and identification of prior authorizing Council action: 4/2/02 – Ord. No. 2002-240; 5/11/05 Ord. No. 2005-0610; 1/7/09 – Ord. No. 2009-0014 |
|---|---|

RECOMMENDATION: (Summary)
The Department recommends approval of an Ordinance authorizing a modification of the grant agreement and land use restriction agreement between the City of Houston and WALIPP.

| | |
|----------------------------------|------------------------|
| Amount of Funding: N/A | Finance Budget: |
|----------------------------------|------------------------|

SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund

Other (Specify) HOME Fund

SPECIFIC EXPLANATION:

WALIPP Senior Housing Apartment complex consist of 50-units and is located at 5220 Scott Street. A total of 26 of the units are restricted units. HCDD is requesting to modify the number of units for low income families and the number of units for very low income families.

The Ordinance will:
Approve the current 26 designated HOME units to consist of 6 Low HOME Rental Units and 20 High HOME Rental Units. The 6 Low HOME Rental Units will be rented to families whose annual incomes do not exceed 50% of area medium income and the 20 High HOME Rental Units to families whose annual incomes do not exceed 60% area medium income for an affordability period of twenty (20) years.

The HOME unit mix will bring WALIPP Senior Housing Apartments into line with the current HUD Federal Guidelines.

The project is consistent with the City of Houston Consolidated Plan. The Department recommends approval.

RSC:DHS:krm

Cc: Mayor's Office
City Secretary
Legal Department
City Controller
Finance Department

| REQUIRED AUTHORIZATION | | |
|--------------------------|-----------------------------|-----------------------------|
| Finance Director: | Other Authorization: | Other Authorization: |
| | | |

NOT

244

TO: Mayor via City Secretary

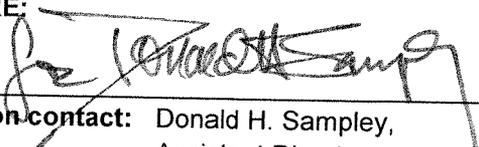
REQUEST FOR COUNCIL ACTION

HCD09-115 (R)

09- Family Housing

| | | | |
|--|--|-----------------------|----------------------------|
| SUBJECT: An ordinance approving and authorizing an Agreement for \$700,000 between the City of Houston, Family Housing Development Corporation and Amegy Bank, using Federal HOME funds to assist in the development of 10 affordable single-family houses. | Category # | Page 1 of 2 | Agenda Item # 44 |
| | FROM (Department or other point of origin): Housing and Community Development Department | | |

| | |
|--------------------------------------|------------------------------------|
| Origination Date: 12/02/09 | Agenda Date: DEC 09 2009 |
|--------------------------------------|------------------------------------|

| | |
|---|--|
| DIRECTOR'S SIGNATURE:  Richard S. Celli, Director | Council District affected: "H" |
|---|--|

| | |
|---|--|
| For additional information contact: Donald H. Sampley, Assistant Director Phone: 713-868-8458 | Date and identification of prior authorizing Council action: None |
|---|--|

RECOMMENDATION: (Summary)
 The Department recommends approval of an ordinance authorizing an Agreement for \$700,000 between the City of Houston, Family Housing Development Corporation and Amegy Bank, using Federal HOME funds to assist in the development of 10 affordable single-family houses.

| | |
|-------------------------------------|------------------------|
| Amount of Funding: \$700,000 | Finance Budget: |
|-------------------------------------|------------------------|

SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund

Other (Specify) HOME FUND Grant Funds (5000)

SPECIFIC EXPLANATION:

Family Housing Development Corporation is a 501(c) 3 nonprofit corporation certified as a Community Housing Development Organization (CHDO) by the City of Houston.

The Housing and Community Development Department (HCDD) proposes providing a total of \$700,000 to Family Housing Development Corporation in Federal HOME funds to assist in the development of 10 affordable single-family houses. The \$700,000 will be in the form of a secured grant. The HCDD construction subsidy will be \$70,000 per house. HCDD will require that there be an interim construction lender (Amegy Bank) that finances the entire project costs. At the completion of construction, HCDD will reduce the interim construction loan with the subsidy.

The sites are: 8823 Lyndonnille Falls Lane, Lot 29 Block 1; 8835 Lyndonnille Falls Lane, Lot 31, Block 1; 9806 Graniteville, Lot 61 Block 1; 9807 Graniteville, Lot 2 Block 1; 9814 Graniteville, Lot 59, Block 1; 9815 Graniteville, Lot 4 Block 1; 9822 Graniteville, Lot 57 Block 1; 9823 Graniteville, Lot 6 Block 1; 9826 Graniteville, Lot 56 Block 1; 9827 Graniteville, Lot 7 Block 1.

The newly constructed houses will be sold to households whose annual incomes do not exceed 80% of AMI, and who will occupy the property as their principal residence.

The HCDD Director has authority to allow the CHDO (Family Housing Development Corporation) to retain the net proceeds generated from this CHDO development activity provided that Family Housing Development Corporation performs as required under the contract and provided that Family Housing Development Corporation uses the proceeds from the sale of the houses to conduct HOME-eligible activities. HOME Regulations do not apply to use of the proceeds.

The net project proceeds must be kept in an interest bearing account at a financial institution approved by the HCDD Director. Net project proceeds cannot be withdrawn by the CHDO without prior written approval of the HCDD Director.

REQUIRED AUTHORIZATION

NDT

| | | |
|--------------------------|-----------------------------|-----------------------------|
| Finance Director: | Other Authorization: | Other Authorization: |
|--------------------------|-----------------------------|-----------------------------|

Date
12/02/09

Subject: An ordinance approving and authorizing an Agreement for \$700,000 between the City of Houston, Family Housing Development Corporation, and Amegy Bank, using Federal HOME funds to assist in the development of 10 affordable single-family houses.

**Originator's
Initials**


Page
2 of 2

The development is consistent with the City's Consolidated Plan to provide affordable housing for low-income residents. HCDD secured HUD's approval of this contract before being submitted to City Council.

The plan to give Family Housing Development Corporation funds to assist in the development of 10 affordable single-family houses was published for 30 days in the local newspaper. There was no citizen or community opposition to the development.

The Department recommends approval of an ordinance approving and authorizing an Agreement for \$700,000 between the City of Houston, Family Housing Development Corporation and Amegy Bank, using Federal HOME housing funds to assist in the development of 10 affordable single-family houses.

RSC:DHS:meb

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

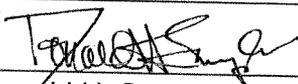
HCD09-158

SUBJECT: An ordinance to authorizing a Grant Agreement between the City of Houston and Jackson Hinds Gardens, Inc. with funds being utilized for payoff of loan owed to Houston Housing Finance Corporation.

| | | |
|------------|-------------|------------------|
| Category # | Page 1 of 1 | Agenda Item # 45 |
|------------|-------------|------------------|

FROM (Department or other point of origin):
 Richard S. Celli, Director
 Housing and Community Development Department

| | |
|-----------------------------|----------------------------|
| Origination Date 10/1/09 | Agenda Date DEC 09 2009 |
|-----------------------------|----------------------------|

DIRECTOR'S SIGNATURE: 

Council District affected: District "H"

For additional information contact: Donald H. Sampley
Phone: (713) 868-8458

Date and identification of prior authorizing Council action: 2005-0779 - 6/28/05

RECOMMENDATION: (Summary)

The Department recommends approval of an Ordinance authorizing a 0% Performance-based Loan in the amount of \$1,200,000 to be utilized in paying off the loan owed by Jackson Hinds Gardens, Inc. to Houston Housing Finance Corporation.

Amount of Funding: \$1,200,000

Finance Budget:

SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund

Other (Specify) CDBG

SPECIFIC EXPLANATION:

Jackson Hinds Gardens, Inc. is an affiliate of The Non-Profit Housing Corporation of Greater Houston, a nonprofit company formed in 1968 for the purpose of contracting for and overseeing the rehabilitation of housing, administering rental assistance, and the provision of supportive services in the City of Houston.

Pursuant to Ordinance No. 2005-0779 the City entered into a Grant Agreement with Jackson Hinds Gardens, Inc. ("Borrower") in the amount of \$500,000 using federal CDBG funds to assist in the rehabilitation of the Jackson Hinds Gardens Complex. The Jackson Hinds Gardens project at 607 Thornton Road, Houston, TX 77018 is a 90-unit Single Room Occupancy ("SRO") project for very-low income tenants. The City's affordability period expires September 25, 2017. Houston Housing Finance Corporation ("HHFC") provided a \$1,200,000 loan towards acquisition and renovation of the property.

Jackson Hinds Gardens Apartments currently has no outstanding Housing Quality Standards ("HQS") findings nor Compliance Survey Review ("CSR") findings/concerns.

For the period of January-July 2009, Jackson Hinds Gardens realized a net income of only \$10,306. Interest payments made to HHFC totaled \$34,918; this amount represents 13% of the total gross income for the period of \$269,779. The City's Housing and Community Development Department ("HCDD") has a goal of allowing projects to maximize expenditures required to enhance the quality of life of SRO tenants. To achieve this goal, HCDD places emphasis on allowing SRO projects to be debt-free as a method of improving services to their tenants.

The project is consistent with the City of Houston Consolidated Plan. The Department recommends approval.

RC:DS;jjh

cc: City Secretary, Finance, Legal Department, Mayor's Office

REQUIRED AUTHORIZATION

| | | |
|-------------------|----------------------|----------------------|
| Finance Director: | Other Authorization: | Other Authorization: |
|-------------------|----------------------|----------------------|

NOT

HCD09-165

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

09-Hollyview

| | | | | |
|--|--|--|-----------------------------------|-------------------------|
| SUBJECT: An Ordinance authorizing an Agreement between the City of Houston and Holly View Apartments LLC. | | Category # | Page 1 of 2 | Agenda Item # 46 |
| FROM (Department or other point of origin): Richard S. Celli, Director Housing and Community Development Department | | Origination Date 11/16/09 | Agenda Date DEC 09 2009 | |
| DIRECTOR'S SIGNATURE: <i>[Signature]</i> | | Council District affected: District "B" | | |
| For additional information contact: Donald Sampley, Assistant Director Phone: 713-868-8458 | | Date and identification of prior authorizing Council action: None | | |

RECOMMENDATION: (Summary)
 The Department recommends approval of an Ordinance authorizing an Agreement between the City of Houston and Holly View Apartments LLC to rehabilitate the Hollyview Apartments.

Amount of Funding: \$8,020,000 Special CDBG - DR
F&A Budget:

SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund
 Other (Specify) CDBG FUNDS – DR Funds

SPECIFIC EXPLANATION:
 Holly View Apartments LLC (Borrower) is the owner of the Hollyview Apartments ("Hollyview"). Hollyview is a 328-unit multifamily project located at 5555 Holly View Drive on the east side of Antoine Drive, approximately two miles north of U.S. Highway 290 in northwest Houston. The Property was constructed around 1981, suffered roof damage to all 22 buildings on the property from Hurricane Ike, and is in need of extensive renovation of the interior and some exterior modernizations to improve its useful life.

Holly View Apartments LLC, 100 percent owned by Thomas B. Miller, has been the owner ("Owner") of the Hollyview since June of 2005. The purchase included a considerable equity contribution by the Owner, and subsequent financial contributions to sustain operations. The Owner is involved with a Super Block Coalition of neighboring property and business owners and community organizations whose goal is to improve the neighborhood through the reduction of crime and drug related activities. The Owner uses a property management company with extensive experience operating income restricted properties and will hire a general contractor and/or construction consultant to oversee the project on his behalf.

Hollyview suffered exterior damage as a result of Hurricane Ike which was repaired with insurance proceeds including new roofs for all the buildings with 25 year shingles. Many other components of Hollyview are nearing the end of their useful life. The proposed rehab project will repair exterior siding and replace old windows with new double-pane windows. Aging HVAC units will be replaced. Improved security with lighting and fencing improvements will be completed. Landscaping updates include the elimination of the tennis courts and one pool to make room for a playground, picnic, and gathering areas.

| REQUIRED AUTHORIZATION | | |
|--------------------------|-----------------------------|-----------------------------|
| Finance Director: | Other Authorization: | Other Authorization: |

Date
11/16/09

Subject: An Ordinance authorizing an Agreement between the City of Houston and Holly View Apartments LLC.

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Page
2 of 2

Exterior stairs (treads and rails) and balcony railing replacement will extend useful life and increase safety. The interior rehab will include remodeling kitchens, family/living areas, and bathrooms consisting of new appliances, flooring, cabinetry, sinks, tubs, and toilets. A new Leasing Center will be created through the elimination of four of the 328 original apartment units, which will make space available in the existing leasing/community center for additional activity and meeting space.

Fifty-one percent (51%) of the surviving 324 units, or 166, will be restricted as CDBG Affordable Floating Units for a period of five (5) years, and will be comprised of units of all floor-plan types distributed throughout the complex. The residents eligible to reside in these units can earn no more than 80% of Area Median Income, and rental rates will be capped at the High HOME Rents.

The City Performance Based Loan (PBL) will have an interest rate of 0% and a term of five (5) years. The PBL will be forgiven at the end of the 5-year period so long as the Borrower complies with all City loan agreement terms and conditions, and the property is in compliance with all HUD and City requirements. The subject property is subject to a first lien mortgage held by Imperial Capital Bank with a loan balance of approximately \$5,360,000. While the City's loan will be inferior to this lien, the City's LURA will prime the loan through a subordination agreement. The Owner will guarantee 100% of the City loan until completion of the rehab construction satisfactory to the City.

| <u>Source of Funds</u> | <u>Overall Project</u> | <u>Per Unit</u> | <u>Per Sq. Ft</u> |
|------------------------|------------------------|-----------------|-------------------|
| City of Houston PBL | \$8,020,000 | \$24,753 | \$34.23 |
| Owner Equity | 400,000 | 1235 | 1.71 |
| Total | \$8,420,000 | \$25,988 | \$35.93 |

| <u>Use of Funds</u> | <u>Overall Project</u> | <u>Per Unit</u> | <u>Per Sq. Ft</u> |
|-------------------------|------------------------|-----------------|-------------------|
| Hard Construction Costs | \$8,020,000 | \$24,753 | \$34.23 |
| Soft Construction Costs | 303,675 | 937 | 1.30 |
| Operating Deficits | 96,325 | 297 | 0.41 |
| Total | \$8,420,000 | \$25,988 | \$35.93 |

The City's performance based loan proceeds will be used for costs associated with the rehabilitation of the project.

This project is consistent with the City of Houston Consolidated Plan to provide affordable housing for low-income families. The City's participation in the project will contribute to the goal of increasing the number of affordable rental housing units for low-income residents.

The Department recommends approval of an agreement between the City and Holly View Apartments LLC.

RC:DS:LC:SG

- cc: Finance & Administration
- Legal Department
- City Secretary
- Mayor's Office

HCDO9-162

TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION**

09-Sterling Grove

| | | | | |
|---|--|---|-----------------------------------|-----------------------------|
| SUBJECT: An Ordinance authorizing an Agreement between the City of Houston and Sterling Grove L.P. | | Category # | Page 1 of 2 | Agenda Item # 47 |
| FROM (Department or other point of origin): Richard S. Celli, Director Housing and Community Development Department | | Origination Date 11/05/09 | Agenda Date DEC 09 2009 | |
| DIRECTOR'S SIGNATURE: <i>[Signature]</i> | | Council District affected: District "B" | | |
| For additional information contact: Donald H. Sampley Phone: 713-868-8458 | | Date and identification of prior authorizing Council action: | | |
| RECOMMENDATION: (Summary) The Department recommends approval of an Ordinance authorizing an Agreement between the City of Houston and Sterling Grove L.P. to rehabilitate the Sterling Grove Apartments. | | | | |
| Amount of Funding: \$11,943,067 Special CDBG – DR | | | Finance Budget: | |
| SOURCE OF FUNDING <input type="checkbox"/> General Fund <input checked="" type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund | | | | |
| <input type="checkbox"/> Other (Specify) CDBG – DR FUNDS | | | | |
| SPECIFIC EXPLANATION: Sterling Grove L.P. ("Sterling"), currently owns the Sterling Grove Apartments, a 336-unit multifamily project located at 6420 Antoine Drive in Distirict "B" on the east side of Antoine Drive, approximately two miles north of U.S. Highway 290 in northwest Houston. The Property was constructed in 1974 and is in need of extensive renovation of both the interior and exterior. The managing general partner of Sterling is 361 Realty Corp., whose sole shareholder and president is Joseph Gontownik. Mr. Gontownik currently has a controlling interest in over 4,500 units in the greater Houston area. Mr. Gontownik and his development team, Stonepost Properties, have over 25 years experience in real estate development and management. The management division of his development team, Rockwell Management Corp. ("Rockwell"), currently manages over 6,000 units in the Houston area and has extensive management experience of all types of apartment projects and in particular with rehabilitation and management of low income housing developments. Many of the components of the Sterling Grove Apartments are nearing the end of their useful life. The proposed rehab will address these components and are designed to extend the useful life of the property for at least 20 years. The rehab will include modernization of the plumbing, electrical system, and the HVAC, with a focus on energy efficiency; improving security with lighting and fencing improvements; landscaping updates; replacing the roofs, siding and balconies; and full interior upgrades including new carpet, appliances, and cabinets. | | | | |
| REQUIRED AUTHORIZATION | | | | |
| Finance Director: | | Other Authorization: | | Other Authorization: |

[Handwritten mark]

Date
11/05/09

Subject: An Ordinance authorizing an Agreement
between the City of Houston and Sterling Grove L.P.

Originator's
Initials
AK

Page
2 of 2

Fifty-one percent (51%) or 172 units will be restricted as CDBG Affordable Floating Units for a period of five (5) years for families whose annual income does not exceed 80% of AMI, and not to exceed High HOME rent limits. A Low-Income Housing Tax Credit rehab was completed in 1996 and per the terms of its LURA, 100% of the units are set aside for families whose annual income does not exceed 60% of AMI for an initial compliance period of 15 years with an additional 15 year extended use period commencing after the end of the initial compliance period.

The City Performance Based Loan (PBL) will have an interest rate of 0% and a term of 5 years. The PBL will be forgiven at the end of the 5-year period so long as the Borrower complies with all City loan agreement terms and conditions, and the property is in compliance with all HUD and City requirements. The subject property is subject to first and second lien mortgages with current balances of approximately \$2,300,000 and \$11,100,000 respectively, with the first lien maturing on 9/1/12 and the second lien maturing on 10/1/12. While the City's loan will be inferior to these liens, the City's LURA will prime both of these loans through subordination agreements. An additional condition will be the extension of the first and second lien maturities to coincide with the term of the City's Loan. The principal, Joseph Gontownik will guarantee 100% of the City loan until completion of the rehab construction satisfactory to the City.

Source of Funds:

| | | | |
|-------------------------------|------------------|---------------|------------|
| City of Houston / PBL | \$11,943,067 | \$35,545/unit | \$40.14/sf |
| 1 st and 2nd Lien* | 13,400,000 | | |
| Developer Cash Equity | <u>1,790,575</u> | | |
| Total | \$27,133,642 | \$80,755/unit | \$91.20/sf |

Uses of Funds:

| | |
|-------------------------------|------------------|
| Rehab Hard Costs | \$11,943,067 |
| Acquisition, Refinance, Rehab | 13,400,000 |
| Soft Costs & Reserves | <u>1,790,575</u> |
| Total | \$27,133,642 |

*Financing provided by family related entities.

The City's performance based loan proceeds will be used for costs associated with the rehabilitation of the project.

This project is consistent with the City of Houston Consolidated Plan to provide affordable housing for low-income families. The City's participation in the project will contribute to the goal of increasing the number of affordable rental housing units for low-income residents.

The Department recommends approval of an agreement between the City and Sterling Grove L.P.

RC:DS:LC:JR

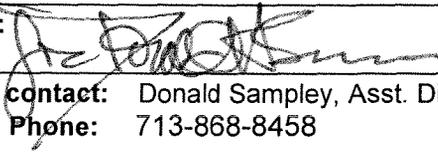
cc: CSC, CTR, FIN, LGL, MYR

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

HCD09-163

09- Reserve at Creekbend

| | | | | |
|---|--|--|------------------------------------|----------------------------|
| SUBJECT: An Ordinance authorizing and Agreement between City of Houston and 7600 RE, L.P. | | Category # | Page 1 of 2 | Agenda Item # 48 |
| FROM (Department or other point of origin): Richard S. Celli Director, Housing and Community Development Department | | Origination Date: 11/20/09 | Agenda Date: DEC 09 2009 | |
| DIRECTOR'S SIGNATURE:  | | Council District affected: District "C" | | |
| For additional information contact: Donald Sampley, Asst. Director Phone: 713-868-8458 | | Date and identification of prior authorizing Council action: None | | |

RECOMMENDATION: (Summary)
 The department recommends approval of an Ordinance authorizing an Agreement between the City of Houston and 7600 RE, L.P. to rehabilitate the Creekbend Apartments

Amount of Funding: \$5,475,000 Special CDBG DR **Finance Budget:**

SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund
 Other (Specify) CDBG DR

SPECIFIC EXPLANATION:
 7600 RE, LP ("7600") closed on the acquisition of Creekbend Apartments In July 2009, This 196-unit multifamily project is located at 7600 Creekbend, just west of Fondren Avenue about 2.5 miles SE of US 59 and about 4 miles North of the Sam Houston Tollway. Constructed in 1977 with a modest rehab about 5 years ago, the property sustained roof and windstorm damage during Hurricane Ike and is in need of extensive repair and renovation of both interior and exterior.

The ownership of 7600 RE, L.P. is comprised of Jerald Winograd, Marc Winograd and Rene Joubert, the principals of Judwin Realty Group, the development arm of Judwin Properties. Started in the 1960's, Judwin Properties has developed over 13,000 apartment units throughout Houston and the southwest United States and has cultivated extensive management experience in all types of apartment properties. They currently own over 1300 units throughout the greater Houston area. Judwin recently completed a quality renovation (with CDBG funding) of the Reserve at Bankside, a 345-unit total rehab which completely changed and upgraded the character of this nearby property.

The exterior construction includes pitched roofs, brick, hardi-plank, and T111 siding. The roof is in extremely poor condition and must be replaced immediately. Work has been started using the proceeds of the insurance claim. The remainder of exterior rehab will focus on replacement of all windows and doors, replacing T111 siding with hardi-plank, repair/replace/and-or /overlay broken and ponding sidewalks and parking areas and finally sealing and painting the entire property. All of the unit interiors will be completely remodeled with new appliances, HVAC units, fixtures, bathtubs, and countertops.

Of the total 196 units, the property will be required to follow the CDBG guidelines which requires 100 units restricted to CDBG standards all of which must be leased to tenants with 80% or less of the AMI at rents not to exceed High HOME rent restrictions.

| REQUIRED AUTHORIZATION | | |
|--------------------------|-----------------------------|---|
| Finance Director: | Other Authorization: | Other Authorization:  |

| | | | |
|------------------|---|--------------------------|------------------------------|
| Date 11/20/09 | Subject: An Ordinance authorizing and Agreement between City of Houston and 7600 RE, L.P. | Originator's Initials | Page <u>2</u> of <u>2</u> |
|------------------|---|--------------------------|------------------------------|

The City Performance Based Loan (PBL) will have a 0% interest rate with a five year term, jointly and severally guaranteed by the principals of Judwin until completion of the rehab construction satisfactory to the City. The loan may be forgiven at the end of the term so long as the Borrower complies with the City loan terms and conditions, and the property is in full compliance with HUD and City guidelines. The property is subject to a first (Whitney bank) lien of \$3,175,000. While the City's loan will be inferior to the bank loan, the City's LURA will be primary to this loan through a subordination agreement.

| Total Sources of Funds: | | 196 Units | 155,036 Square Feet |
|----------------------------------|--------------------|-----------------|------------------------|
| City of Houston /Disaster Relief | \$ 5,475,000 | \$ 27,934 | \$ 35.31 |
| Whitney Bank Loan | 3,175,000 | 16,199 | 20.48 |
| Cash Equity | 813,000 | 4,148 | 5.24 |
| Total Sources of Funds | \$9,463,000 | \$48,281 | \$61.04 |
| | | | |
| Total Uses of Funds: | | | |
| Acquisition | \$ 3,400,000 | \$ 17,347 | \$ 21.93 |
| Hard Construction Costs | 5,111,700 | 26,080 | 32.97 |
| Hard Cost Contingency | 245,000 | 1,250 | 1.58 |
| Relocation | 118,300 | 604 | 0.76 |
| Soft Costs | 588,000 | 3,000 | 3.79 |
| Total Uses of Funds | \$9,463,000 | \$48,281 | \$61.04 |

All loan proceeds will be used for hard construction costs. This project is consistent with the City of Houston Consolidated Plan to improve and provide affordable housing in target neighborhoods.

The Department recommends approval of an agreement between the City of Houston and 7600 RE, L.P.

RC: DS: LC:EP

cc: Mayor's Office
City Secretary
Legal Department
Finance Department

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

HCD 09-138 R

SUBJECT:

An Ordinance authorizing a substantial amendment to the 2008 Consolidated Action Plan to amend the Neighborhood Stabilization Program (NSP) program plan.

Category #

Page 1 of 2

Agenda Item #

49

FROM (Department or other point of origin):

Richard S. Celli, Director
Housing and Community Development Department

Origination Date

10-12-09

Agenda Date

DEC 09 2009

DIRECTOR'S SIGNATURE:

Council District affected:

A, B, D, E, H, I

For additional information contact:

Donald H. Sampley
Phone: (713) 868-8458

Date and identification of prior authorizing Council action:

11/19/08 - #08-1051

RECOMMENDATION: (Summary)

City Council authorization to substantially amend the 2008 Consolidated Action Plan to amend the NSP program plan.

Amount of Funding: No Additional Funds Requested

Finance Budget:

SOURCE OF FUNDING

General Fund

Grant Fund

Enterprise Fund

Other (Specify)

SPECIFIC EXPLANATION:

The Housing and Community Development Department (HCDD) is requesting approval for substantially amending the 2008 Consolidated Action Plan in order to amend the NSP program plan. The Department of Housing and Urban Development (HUD) established NSP to assist cities in the redevelopment of abandoned and foreclosed housing in economically distressed areas. On November 19, 2008, City Council approved a substantial amendment to the 2008 Consolidated Action plan to the include NSP. On March 26, 2009, HUD executed the City of Houston HCDD NSP grant agreement for \$13,542,193 to finance improvement strategies in areas adversely impacted by foreclosures.

HCDD established three (3) Target Zones as demonstration areas for NSP. NSP funds will be used to finance acquisition/rehabilitation of both foreclosed single-family and multi-family properties. Federal funds will be leveraged with private sector and local dollars to reduce foreclosures, increase homeownership, and expand the stock of affordable housing while removing the presence of vacant and abandoned single-family and multi-family buildings. HCDD is proposing to redistribute NSP funds to the following program categories:

| | |
|--|-------------|
| Acquisition/Rehabilitation Multi-Family | \$8,802,425 |
| Acquisition/Rehabilitation Single-Family | \$3,385,549 |
| Program Administration | \$1,354,219 |

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

| | | | |
|--------------------------------|---|------------------------------|-------------------------------------|
| Date 10/12/09 | Subject: An Ordinance authorizing a substantial amendment to the 2008 Consolidated Action Plan to amend the Neighborhood Stabilization Program (NSP) program plan. | Originator's Initials | Page <u>2</u> of <u>2</u> |
|--------------------------------|---|------------------------------|-------------------------------------|

The program plan for Acquisition/Rehabilitation Single-Family remains the same as originally proposed. Through an RFP process, HCDD will identify qualified non-profit entities to acquire, secure, and rehabilitate approximately forty (40) foreclosed single-family properties. Properties will be acquired at a maximum of 99% of current market appraised value. The non-profit entities will perform all needed repairs to bring properties into Housing Rehabilitation Standards compliance. These properties will be sold to income-qualified households earning less than 50% of AMI.

HCDD originally proposed acquiring and rehabilitating an additional 220 residential units under the Acquisition/Blight Removal program. Instead, under the Acquisition/Rehabilitation Multi-Family program, HCDD will identify a qualified non-profit entity(s) through an RFP process to acquire, secure, and rehabilitate one (1) or more foreclosed multi-family property. The property will be acquired at a maximum of 99% of current market appraised value. The non-profit entity(s) will perform all needed repairs to bring the property into Housing Rehabilitation Standards compliance. Twenty-five percent of the for-rent units will be made available to income-qualified households earning less than 50% of AMI. The remaining 75% of units will be made available to income-qualified households earning less than 80% of AMI.

HCDD has already published, accepted applications, and identified qualified non-profit developers under an RFP process. Upon approval of the NSP program plan amendment by City Council and HUD, HCDD will seek approval from Council to enter into agreements with the identified non-profit developers.

A summary of the NSP Substantial Amendment was published in the Houston Chronicle. As stipulated by federal regulations for the NSP grant, residents have fifteen (15) days to comment on the proposed amendment to the 2008 Consolidated Action Plan before it is approved by City Council. The fifteen-day review period extended from September 24, 2009 through October 9, 2009. HCDD did not receive any comments/questions about NSP.

This project is consistent with the City of Houston Consolidated Plan to increase homeownership opportunities and provide affordable housing for low and moderate-income families.

RC:DS:BF

cc: City Secretary
 Mayor's Office
 Legal Department
 Finance & Administration

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: Ordinance approving revised Lease Agreement between The City of Houston and The Heritage Society relating to Sam Houston Park.

Category #

Page 1 of 1

Agenda Item

50

FROM (Department or other point of origin):

Houston Parks and Recreation Department

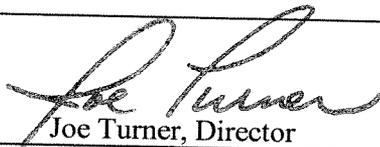
Origination Date:

11/24/09

Agenda Date

DEC 09 2009

DIRECTOR'S SIGNATURE:



Joe Turner, Director

Council District(s) affected: I

For additional information contact:

Dan Pederson, 832-395-7062

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary):

Adopt ordinance approving revised Lease Agreement between the City of Houston and The Heritage Society (THS) relating to Sam Houston Park.

Amount of Funding:

No Funding Required

Finance Budget:

SPECIFIC EXPLANATION:

For the past 45 years a mutually beneficial partnership has existed between The Heritage Society and the City of Houston. The City and THS entered into agreements in 1964, 1975 and 1984 to give THS the right to lease certain buildings in Sam Houston Park, which depict the historical background and development of the City of Houston.

Since 1964, THS has placed, restored, and maintained in Sam Houston Park numerous buildings which depict the domestic culture of Houston during its early period of growth. THS conducts a wide variety of educational programs for families, including training for teachers of Texas history for continuing credit and providing guided tours, lectures and workshops for student groups and the general public. THS has organized exhibitions and collected and created thousands of locally historic artifacts for the education and enjoyment of the public. Sam Houston Park and its structures and artifacts have attained national, state and local recognition as a historical landmark and museum.

The Heritage Society has transferred ownership of its buildings within Sam Houston Park to the City. The new lease agreement provides that THS will lease the buildings as well as the land comprising Sam Houston Park. THS will maintain the historic buildings, make the buildings available to the general public, and provide information and programming on the heritage of the City. The lease term is for thirty (30) years.



REQUIRED AUTHORIZATION

Finance Director:

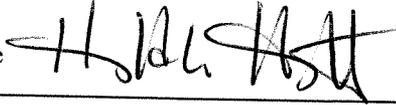
Other Authorization:

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

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|--|----------------|-------------------------|
| SUBJECT: First Amendment to Professional Services Contract with Ron Smith & Associates to provide management services to the Houston Police Department Latent Prints Processing/Comparison Unit. | Page 1 of 2 | Agenda Item # 51 |
|--|----------------|-------------------------|

| | | |
|---|------------------------------|-----------------------------|
| FROM: (Department or other point of origin): Houston Police Department | Origination Date: 12/3/09 | Agenda Date: DEC 09 2009 |
|---|------------------------------|-----------------------------|

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|---|-----------------------------------|--|
| DIRECTOR'S SIGNATURE: Harold L. Hurtt, Chief of Police  | Council District affected: All | |
|---|-----------------------------------|--|

| | | |
|---|--|--|
| For additional information contact: Joseph A. Fenninger  Phone: 713-308-1770 CFO & Deputy Director | Date and identification of prior authorizing Council action: Ordinance 2008-1233; 12/30/08 | |
|---|--|--|

RECOMMENDATION: (Summary) Adopt an ordinance approving a First Amendment to the Professional Services Contract with Ron Smith & Associates to provide management services to the Houston Police Department Latent Prints Unit and allocating funds.

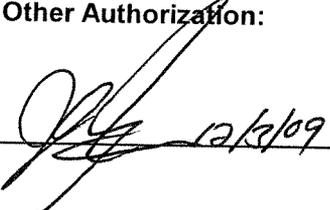
Amount and Source of Funding: \$4,000,000.00 - General Fund (1000) - 2 years
(Previous funding: \$570,000 General Fund)

Specific Explanation:

Because the Houston Police Department was aware of operational issues within the Latent Print Unit, it recommended in 2008 that City Council approve a two-year contract with Ron Smith & Associates to provide HPD with a specialized technical audit of, and management consulting for, HPD's Identification Division. That contract was approved in December of 2008 via Ordinance 2008-1233. Particular attention was to be given to the Latent Print Processing/Latent Print Comparison, Automated Fingerprint Identification System and Audio-Video Units. The scope of work required the contractor to perform on-site collection and analysis of forensics data to determine how well the units were performing; how existing processes could be improved so compliance with industry standards can be strengthened; and if the existing operational and management structure was consistent with the needs of a forensics service division of its size and complexity. The contractor examined the administrative functions of the units inclusive of: evidence receiving, storage, tracking, disposal, research, reporting, quality assurance and quality control procedures.

Ron Smith & Associates' findings have confirmed the fact that this unit must be substantially overhauled to improve effectiveness and efficiency, and to eliminate the current, and growing, backlogs. Because HPD does not have the internal expertise or capacity to do this, an outside contractor must be engaged that is expert in the scientific and highly specialized field of forensics. Having already gone through the vetting process, and having already selected Ron Smith & Associates as the most qualified firm, HPD seeks to amend the current contract in order to move forward quickly and minimize risks.

Therefore, the Chief of Police recommends that City Council adopt an ordinance approving a First Amendment to the existing contract with Ron Smith & Associates. The Amendment will increase the maximum contract amount and extend the original two year from January 7, 2011 to December 31, 2012, plus two additional one-year option periods. The requested additional funding of \$4,000,000 is estimated to cover contract costs for two years, as it is expected that the necessary work under this contract will be completed within two years. Further funding will require future Council action should it be needed.

| | | | | |
|-------------------------------|---|----------------------|---------|-----|
| REQUIRED AUTHORIZATION | | | 10TNO01 | NDT |
| Finance: | Other Authorization:  12/3/09 | Other Authorization: | | |

| | | | |
|-------------|---|------------------------------|-----------------------|
| Date | Subject: First Amendment to Professional Services Contract with Ron Smith & Associates to provide management services to the Houston Police Department Latent Prints Processing/Comparison Unit. | Originator's Initials | Page 2 of 2 |
|-------------|---|------------------------------|-----------------------|

This contract amendment also decreases the contractor's hourly rate from \$150 to \$135 for all work performed under the existing and new scopes of service. Deliverables will incorporate new duties to include, but not be limited to, interim technical services operations of all aspects of the Latent Print Unit. This will help eliminate the backlog, stay current with incoming print requests, conduct re-analysis of casework and enable HPD to rebuild the permanent operation by developing scientifically sound administrative operations protocols and expanded operational throughput capacity.

Pay or Play:

The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

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|---|--|---|-----------------------------------|
| SUBJECT: A Professional Civic Art and Conservation Administration Services Contract with the Houston Arts Alliance (HAA) on behalf of the General Services Department. | | Page 1 of 2 | Agenda Item 52 |
| FROM (Department or other point of origin): General Services Department | | Origination Date 12/4/09 | Agenda Date DEC 09 2009 |
| DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. <i>Issa Z. Dadoush</i> 11/24/09 | | Council District affected: All | |
| For additional information contact: Jacquelyn L. Nisby Phone: 832-393-8023 | | Date and identification of prior authorizing Council action: | |

RECOMMENDATION: Approve a professional services contract with HAA, a Texas nonprofit corporation, for civic art and conservation administration services on behalf of the General Services Department, and allocate funds.

| | |
|--|------------------------|
| Amount and Source of Funding: | Finance Budget: |
| <ul style="list-style-type: none"> \$ 30,000.00 General Consolidated Construction Fund (4509) \$ 10,286.72 Fire Consolidated Construction Fund (4500) \$ 13,810.14 W&S System Consolidated Construction Fund (8500) \$ 15,660.95 Police Consolidated Construction Fund (4504) \$ 27,136.30 Public Library Consolidated Construction Fund (4507) \$ 17,374.83 Parks Consolidated Construction Fund (4502) \$ 2,663.98 Public Health Consolidated Construction Fund (4508) \$ 116,932.92 Total Allocation (previously appropriated for Civic Art) | |

SPECIFIC EXPLANATION: In compliance with the City's Civic Art Ordinance, 1.75% of the appropriation for eligible CIP projects is appropriated for Civic Art Program purposes, including civic art and conservation projects.

The proposed contract with HAA will provide civic art and conservation project administration services for properties managed by the General Services Department (GSD). The contract provides for a six-month term and a monthly administrative fee of \$14,488.82. The requested allocation will also fund the creation of a database that will allow City employees to track art projects in real time and the public to view the City's art collection, which currently consists of 381 pieces. HAA will assist in selecting appropriate locations for art pieces and managing the projects, to include: overseeing the artist selection panel, negotiating artist contracts where appropriate, purchasing art on behalf of the City, managing construction/installation, and closing out projects. HAA will also assess the City's art collection, propose restoration/conservation treatment of those pieces in need of professional treatment, oversee professional conservator selection and negotiate conservator contracts.

GSD recommends approval of a professional civic art and conservation administration services contract with the HAA.

25MSCL62

REQUIRED AUTHORIZATION

| | | |
|--|---|--|
| Department of Health and Human Services: <i>Stephen L. Williams</i> Stephen L. Williams, M. ED, MPA | Houston Public Library: <i>Rhea Brown Lawson</i> Rhea Brown Lawson, Ph. D. Director | Houston Fire Department: <i>Phil Boriskie</i> Phil Boriskie Fire Chief |
| Houston Police Department: <i>Harold L. Hurtt</i> 12-3-09 Harold L. Hurtt Chief of Police | Public Works and Engineering Department: copy signed Michael S. Marcotte, P.E., D.E.E. Director | Parks and Recreation Department: <i>Joe Turner</i> Joe Turner Director |

NOT

| | | | |
|------|---|------------------------------------|-----------------------|
| Date | SUBJECT: A Professional Civic Art and Conservation Administration Services Contract with the Houston Arts Alliance (HAA) on behalf of the General Services Department. | Originator's Initials AS | Page 2 of 2 |
|------|---|------------------------------------|-----------------------|

FUNDING SUMMARY:

\$ 86,932.92 Administrative Services
\$ 30,000.00 Reimbursable Expenses
\$ 116,932.92 Total Allocation

M/WBE INFORMATION: The MWBE goal for this contract is 5% of HAA's administrative costs and services, which equals 3.5% of the total contract amount.

PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's "Pay or Play" Ordinance regarding health benefits for employees of City contractors. In this case, the consultant provides health benefits to eligible employees in compliance with City policy.

IZD:JLN:AS:as

c: Issa Z. Dadoush, P.E., Wendy Heger, Jacquelyn L. Nisby, Marty Stein, Harold L. Hurtt, Michael S. Marcotte, Phil Boriskie, Stephen L. Williams, Joe Turner, Dr. Rhea Brown Lawson, James Tillman IV, Project File

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | |
|---|-------------------|-----------------------|--------------------------------|
| SUBJECT: A professional services contract with the Houston Arts Alliance (HAA) for the administration of the City's Civic Art Program art and conservation projects on behalf of the Houston Airport System (HAS). WBS# A-000422-0011-3-01 | Category # | Page 1 of 2 | Agenda Item # 53 |
|---|-------------------|-----------------------|--------------------------------|

| | | |
|--|---|-----------------------------------|
| FROM (Department or other point of origin): Houston Airport System | Origination Date October 30, 2009 | Agenda Date DEC 09 2009 |
|--|---|-----------------------------------|

| | |
|---|--|
| DIRECTOR'S SIGNATURE: <i>Eric R. Dotta</i> | Council District affected: B, E, I |
|---|--|

| | |
|---|---|
| For additional information contact: Pamela K. Ingersoll Phone: (281) 233-1642 | Date and identification of prior authorizing Council action: |
|---|---|

| | |
|--|------------------------------|
| AMOUNT & SOURCE OF FUNDING: (previously appropriated for Civic Art) <i>in w (cc)</i> | Prior appropriations: |
|--|------------------------------|

RECOMMENDATION: (Summary)
Approve and authorize a professional services contract with the Houston Arts Alliance (HAA) for the administration of the City's Civic Art Program art and conservation projects on behalf of the Houston Airport System (HAS).

SPECIFIC EXPLANATION:

In compliance with the provisions of the City's Civic Art Ordinance, 1.75% of the appropriation for eligible Houston Airport System (HAS) CIP projects is appropriated for Civic Art Program purposes, including civic art projects and conservation projects.

To execute these civic art projects in a professional and timely manner, HAS proposes entering into a one-year professional services contract with the Houston Arts Alliance (HAA) to administer this program. HAA will assist in managing the art acquisition and professional conservation projects. Duties include, but are not limited to: overseeing the artist selection panel, negotiating artist contracts where appropriate, purchasing art on behalf of the City, installation management and assistance in closing out the projects. HAA will also assess the HAS art collection, propose restoration/conservation treatment of those pieces in need of professional treatment, assist with professional conservator selection, negotiate conservator contracts, perform conservation project management and assist in closing out the projects.

The proposed contract provides that the City may terminate the agreement at any time during the term on 30 days notice.

The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

PROJECT COST: The total amount to be provided for services under this contract consists of the following:

| | |
|-----------------|-----------------------|
| \$ 353,000.00 | Basic Services |
| \$ 2,180,000.00 | Additional Services |
| \$ 15,000.00 | Reimbursable Expenses |
| \$ 2,548,000.00 | Total |

REQUIRED AUTHORIZATION

NDT

| | | |
|----------------------------|-----------------------------|-----------------------------|
| Finance Department: | Other Authorization: | Other Authorization: |
|----------------------------|-----------------------------|-----------------------------|

Subject: A professional services contract with the Houston Arts Alliance (HAA) for the administration of the City's Civic Art Program art and conservation projects on behalf of the Houston Airport System

**Originator's
Initials**

**Page
2 of 2**

M/WBE PARTICIPATION:

Because of the special nature of the projects undertaken by the Houston Arts Alliance and the difficulty determining the scope of work prior to contracting with an artist, a 0% M/WBE goal has been assigned on the portion of contract funding for art projects or the commissioning of artists. The contract budget for administration and purchasing is \$353,000, and HAA will make a good faith effort to achieve a 5% goal on this portion.

Houston Arts Alliance will continue its history of employing small, women and minority business enterprises. The Houston Arts Alliance will also encourage contractors to utilize M/WBEs as well as conduct outreach events and seminars to encourage artists and subcontractors to become certified M/WBE subcontractors.

**Houston Arts Alliance Contract
October 2009**

Prior Appropriations to be Encumbered for New Contract with HAA (October 2009)

| Orig. CIP | Orig. Proj. # | Fund | Ord. # | Ord. Date | Amt. for this Encumbrance | A-CIVART - 0001-02 | Facility |
|-----------|---------------|------|------------|-----------|---------------------------|--------------------|----------|
| A-0422.29 | 536D | 8011 | 02001-0754 | 08/15/01 | 82,542.00 | 4 & 24 | IAH |
| A-0422.49 | 490M | 8011 | 02005-0655 | 05/25/05 | 89,285.00 | 16 | IAH |
| A-0422.56 | 612F | 8011 | 02006-0499 | 05/17/06 | 88,778.00 | 23 | IAH |
| A-0422.22 | 490H | 8011 | 02008-0032 | 01/09/08 | 739,902.00 | 26 | IAH |
| A-422.06 | 536K | 8011 | 02008-0425 | 05/14/08 | 734,493.00 | 31 | IAH |
| A-0422.08 | 592 | 8011 | 02005-0804 | 06/22/05 | 12,606.00 | 18 | HOU |
| A-0422.09 | 417F | 8011 | 02005-1108 | 09/28/05 | 40,595.00 | 17 | HOU |
| A-0422.42 | 417F | 8011 | 02008-0618 | 07/02/08 | 225,750.00 | 33 | HOU |
| A-0442.28 | 417F | 8011 | 02009-0365 | 04/29/09 | 519,049.00 | 42 | HOU |
| A-0422.69 | 516C | 8011 | 02008-0619 | 07/02/08 | 15,000.00 | 32 | HAS |

2,548,000.00

Cost and Asset Breakdown Associated with New Contract with HAA

| Additional Services | Facility | Project | Artist/Cons | Cost |
|--|----------|------------------|-------------|-----------------------|
| | HOU | Acq. Vector II | Buvoli | \$550,000.00 |
| | HOU | Projects TBD | TBD | 80,000.00 |
| | IAH | 500N | TBD | 150,000.00 |
| | IAH | Projects TBD | TBD | 200,000.00 |
| | IAH | Cons/Leopard Sky | TBD | 400,000.00 |
| | IAH | Acq. Port. Col | TBD | 500,000.00 |
| | IAH | Projects TBD | TBD | 150,000.00 |
| Additional Services Total | | | | \$2,030,000.00 |
| HOU Contingency | | | | 50,000.00 |
| IAH Contingency | | | | 100,000.00 |
| Basic Serv. & Reimbursables (BS \$353,000.00 + R \$15,000.00) | | | | 368,000.00 |
| | | | | \$2,548,000.00 |

Exhibit B

Houston Airport System - Civic Art Plan FY10/11

| Facility | Project | Artist/ Conservator | Estimated Additional Services New Art Acquisition or Conservation Treatment | Contingency Funding for Additional Services | Basic Services HAA Professional Project Management |
|---|--|------------------------|--|---|--|
| William P. Hobby Airport - New Art Acquisition - review and update design - project management - fabrication - installation | Vector HH | Luca Buvoli | \$550,000.00 | | \$110,000.00 |
| William P. Hobby Airport - Professional Conservation/Acquisition of Art Projects to be Determined | TBD | TBD | 80,000.00 | | 8,000.00 |
| * Contingency for Additional Services - William P. Hobby Airport | | | | \$50,000.00 | |
| George Bush Intercontinental Airport - New Art Acquisition Phase I - artist selection for four (4) to five (5) new art acquisitions - design consultation - no fabrication - no installation | Term.D 500N & R Artist Selection & Consultation | TBD | 150,000.00 | | 25,000.00 |
| George Bush Intercontinental Airport - Professional Conservation Treatment - professional assessment - conservator selection - conservation treatment - provide project photographic documentation - maintenance schedule | West of the Pecos | Ben Waitena | 200,000.00 | | 40,000.00 |
| George Bush Intercontinental Airport - Professional Conservation Treatment Phase II - dismantle and storage of portion of artwork for construction project - conservator selection - initiate conservation treatment | Leopard Sky | TBD | 400,000.00 | | 90,000.00 |
| George Bush Intercontinental Airport - Portable Works Collection | Portable Works Collection | TBD | 500,000.00 | | 50,000.00 |
| George Bush Intercontinental Airport - Professional Conservation/Acquisition of Art -Projects to be Determined | TBD | TBD | 150,000.00 | | 30,000.00 |
| * Contingency Additional Services- George Bush Intercontinental Airport | | | | 100,000.00 | |
| | | | \$2,030,000.00 | \$150,000.00 | \$353,000.00 |

| | |
|--|-----------------------|
| Total Additional Services (Acquisitions & Conservation) | \$2,030,000.00 |
| Total Basic Services (HAA Prof. Project Management) | 353,000.00 |
| Contingency Funding for Additional Services | 150,000.00 |
| Reimbursable Expenses | 15,000.00 |
| Total Expenditure | \$2,548,000.00 |

* Contingency Funding for Additional Services - The cost of the project is estimated in the contract but actual costs are determined in the condition assessment of the first phase of the project. The actual cost could possibly be more than has been the estimated additional services.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | |
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| SUBJECT: Award Construction Contract USA Environment, L. P. Soil Disposal for Right-of-Way Fleet Maintenance Facility at 100 Japhet Street and 1700 East Crosstimbers Street WBS No. N-00653C-0002-4 | Page 1 of 2 | Agenda Item 54 |
|--|-----------------------|--------------------------|

| | | |
|---|------------------------------------|-----------------------------------|
| FROM (Department or other point of origin): General Services Department | Origination Date 12-3-09 | Agenda Date DEC 09 2009 |
|---|------------------------------------|-----------------------------------|

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| DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. <i>[Signature]</i> 11/2/09 | Council District affected: H |
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|---|---|
| For additional information contact: Jacquelyn L. Nisby <i>[Signature]</i> Phone: 832-393-8023 | Date and identification of prior authorizing Council action: |
|---|---|

RECOMMENDATION: Award construction contract and appropriate funds for the project.

| | |
|--|--|
| Amount and Source of Funding: \$217,974.00 Street and Bridge Consolidated Construction Fund (4506) | <i>Per 11/13/2009</i> Finance Budget: <i>for Michelle Mitchell 11-25-09</i> |
|--|--|

SPECIFIC EXPLANATION: The General Services Department recommends that City Council award a construction contract to USA Environment, L.P. on the low bid amount of \$176,340.00 to provide construction services at the Right-of-Way Fleet Maintenance Facilities for the Department of Public Works and Engineering.

PROJECT LOCATIONS: 100 Japhet Street, Houston, Texas (Key Map No. 494-L)
1700 East Crosstimbers Street, Houston, Texas (Key Map No. 453-M)

PROJECT DESCRIPTION: The scope of work consists of loading, hauling and proper disposal/recycling of excess stockpiled soil classified by the landfill as Class 1 - contaminated and Class 2 - less contaminated non-hazardous waste.

The contract duration for this project is 90 calendar days.

BIDS: The following four bids were received on September 17, 2009:

| | <u>Bidder</u> | <u>Bid Amount</u> |
|----|----------------------------|-------------------|
| 1. | USA Environment, L.P. | \$176,340.00 |
| 2. | AAR Incorporated. | \$190,300.00 |
| 3. | Carrera Construction, Inc. | \$261,300.00 |
| 4. | C. E. Baker, Ltd. | \$392,476.00 |

REQUIRED AUTHORIZATION

CUIC ID # 25GM201

| | | |
|---|-----------------------------|---|
| General Services Department: <i>[Signature]</i> Humberto Bautista, P.E. Chief of Design & Construction Division | Other Authorization: | Department of Public Works and Engineering: <i>[Signature]</i> Michael S. Marcotte, P.E., D.WRE, BCEE Director |
|---|-----------------------------|---|

| | | | |
|-------------|---|--|---------------------------|
| Date | SUBJECT: Award Construction Contract USA Environment, L.P. Soil Disposal for Right-of-Way Fleet maintenance Facility at 100 Japhet Street and 1700 East Crosstimbers Street. WBS No. N-00653C-0002-4 | Originator's Initials GM | Page 2 of 2 |
|-------------|---|--|---------------------------|

AWARD: It is recommended that City Council award the construction contract to USA Environment, L.P. including an additional appropriation of \$24,000.00 for project management, construction oversight and soil sampling services under the existing contract with Terracon, Inc.

FUNDING SUMMARY:

| | |
|----------------------|--|
| \$ 176,340.00 | Construction Contract Services |
| \$ 17,634.00 | 10% Contingency |
| \$ 193,974.00 | Total Contract Services |
| \$ 24,000.00 | Project Management, Construction Oversight and Soil Sampling |
| \$ 217,974.00 | Total Funding |

PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's "Pay or Play" Ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides benefits for some employees but will pay into the Contractor Responsibility Fund for others, in compliance with City policy.

fk

IZD:HB:JLN:GM:FK:fk

- c: Marty Stein
- Jacquelyn L. Nisby
- Velma Laws
- Calvin R. Curtis
- Gabriel Mussio
- Yvette Burton
- File

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

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|--|--|---|-----------------------------------|
| SUBJECT: Award Four Job Order Contracts for the Residential Energy Efficiency Program (REEP) | | Page 1 of 2 | Agenda Item 55 |
| FROM (Department or other point of origin): General Services Department | | Origination Date 12.01.09 | Agenda Date DEC 09 2009 |
| DIRECTOR'S SIGNATURE Issa Z. Dadoush, P.E. <i>Issa Dadoush 11/6/09</i> | | Council District(s) affected: All | |
| For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023 | | Date and identification of prior authorizing Council action: | |
| RECOMMENDATION: Award Job Order Contracts to Payless Insulation, Inc., Direct Energy, LP, Standard Renewable Energy, L.P. and PMG Project Management Group, LLC, set a maximum contract amount and allocate funds. | | | |
| Amount and Source of Funding: Maximum contract amount for each contract - \$5,000,000.00 – 3 years | | Finance Budget <i>D. Douglas Beck</i> | |
| Initial Allocation for each contract: \$2,000,000.00 American Recovery and Reinvestment Act (ARRA) (5300) \$2,000,000.00 Out Years | | | |
| SPECIFIC EXPLANATION: Recently, the City of Houston was awarded \$22.7 million in American Recovery and Reinvestment Act (ARRA) grant funds to allow the City to continue the installation of energy efficiency improvements in low-income residential homes participating in REEP. The size of this award requires the City to expand the number of contractors to help efficiently and effectively execute this program. This increase will allow the City to meet its goal of weatherizing 8,000 homes by the end of calendar year 2009, and a total of 20,000 homes in the next two to three years. On March 26, 2008, Ordinance Nos. 2008-0261 and 2008-0262, City Council awarded two three-year job order contracts to Payless Insulation, Inc. and Direct Energy, LP, respectively, to provide energy efficiency upgrades to low-income residences and appropriated \$1,000,000.00 out of bond and TIRZ funds to each contract. The appropriated funds have been expended and the contracts have been terminated. Therefore, the General Services Department (GSD) recommends that City Council award four Job Order Contracts to Payless Insulation, Inc., Direct Energy, LP, Standard Renewable Energy, L.P. and PMG Project Management Group, LLC (PMG), and delegate authority to the director to approve supplemental allocations up to the maximum contract amount of \$5,000,000 for each contract. All weatherization improvements will be funded out of the ARRA Weatherization Assistance Program Grant. Payless Insulation, Inc. and Direct Energy, LP were selected through a Request for Proposal (RFP) process in 2007 and Standard Renewable Energy, L.P. and PMG were selected through a RFP process in March 2009. | | | |
| PROJECT LOCATIONS: City Wide | | | |
| PROJECT DESCRIPTION: The scope of work consists of installing weatherization measures in eligible homes based on Home Energy Rating standards. The scope of services may include installing weather-stripping to exterior doors, caulking windows, insulating water heaters, replacing light bulbs with compact fluorescent lamps and installing attic insulation. Through the existing REEP, the City, in partnership with CenterPoint Energy, has weatherized over 7,000 homes. The REEP has helped lower energy costs and energy consumption for residences in over 7,000 homes throughout the City. REEP has cut electricity consumption by an average 12% – 18% per year, with a 20% rate of savings during Houston's hot summers. | | | |
| REQUIRED AUTHORIZATION | | CUIC ID 25MSCL55 <i>NO</i> | |
| | | Other Authorization: | |

M/SBE PARTICIPATION: A 14% MBE goal and 10% SBE goal have been established for each contract. Each contractor has submitted the following certified firms to achieve the goals:

| Contractor | MBE/SBE Subcontractor | Work Description | MBE/SBE | % of Contract |
|-----------------------------------|---|-----------------------------|---------|---------------|
| Payless Insulation, Inc. | PMG Project Management Group, LLC | Weatherization Inspection | MBE | 5% |
| | CBIC Construction & Development, L.P. | Construction | MBE | 4% |
| | CIRE Industrial Supplies, LLC | Material Supplier | MBE | 5% |
| | K. Harris Unlimited, LLC, d/b/a Partners of Texas | Weatherization Inspection | SBE | 5% |
| Direct Energy, LP | Southern Comfort Screens & More | Solar Screens | SBE | 5% |
| | Project Management Group, LLC | Weatherization Inspection | MBE | 4% |
| | Baylor Asset Management, LLC | Infiltration and Inspection | MBE | 5% |
| | Pretty Quick Delivery Services, LLC | Appliance Delivery | MBE | 5% |
| PMG Project Management Group, LLC | Comfortemp Insulation, Inc. | Insulation | SBE | 10% |
| | CIRE Industrial Supplies, LLC | Material Supplier | MBE | 14% |
| Standard Renewable Energy, L.P. | CBIC Construction & Development, L.P. | Construction | SBE | 10% |
| | J's Quality Construction, Inc. | Construction | MBE | 10% |
| | CIRE Industrial Supplies, LLC | Material Supplier | MBE | 4% |
| | Southern Comfort Screens & More | Solar Screens | SBE | 2% |
| Standard Renewable Energy, L.P. | CBIC Construction & Development, L.P. | Construction | SBE | 8% |

PAY OR PLAY PROGRAM: The proposed contracts require compliance with the City's 'Pay or Play' Ordinance regarding health benefits for employees of City contractors. In this case, Direct Energy, LP, Payless Insulation, Inc and PMG will provide health benefits to eligible employees in compliance with City policy. Standard Renewable Energy, L.P. will provide benefits to some employees, but will pay into the Contractor Responsibility Fund for others, in compliance with City policy.

ARRA REQUIREMENTS: Each contractor will adhere to and comply with the special reporting requirements associated with this American Recovery and Reinvestment Act of 2009 (ARRA) Grant as required by the Department of Energy and/or the City of Houston.

The City of Houston will adhere to and comply with the special reporting requirements associated with this American Recovery and Reinvestment Act of 2009 (ARRA) Grant as required by the granting agency and/or the U.S. Office of Management and Budget.

IZD:JLN:GMD:LM:mlg

c: Issa Dadoush, P.E., Marty Stein, Jacquelyn L. Nisby, File

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Professional Residential Post Weatherization Home Inspection Contract
 The Nelrod Company
 Residential Energy Efficiency Program (REEP)

Page
1 of 2

Agenda
Item
56

FROM (Department or other point of origin):
 General Services Department

Origination Date
 12.01.09

Agenda Date
 DEC 09 2009

DIRECTOR'S SIGNATURE

Issa Z. Dadoush, P.E.

Issa Dadoush 11/6/09

Council District(s) affected:
 All

For additional information contact:

Jacquelyn L. Nisby Phone: 832-393-8023

Date and identification of prior authorizing Council action:

RECOMMENDATION: Approve Professional Residential Post Weatherization Home Inspection Contract for REEP and allocate funds.

Amount and Source Of Funding:

Maximum Contract Amount: \$2,500,000.00 - 3 years

Initial Allocation:

\$1,250,000.00 -- American Recovery Reinvestment Act (ARRA) (5300)

Finance Budget:

McCall Mitchell

SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council approve a Professional Residential Post Weatherization Home Inspection Contract with The Nelrod Company, to perform inspection services to ensure that all energy efficiency measures are properly installed in compliance with the Department of Energy guidelines and that residents are satisfied with the service. It is further recommended that City Council delegate authority to the director to approve supplemental allocations up to the maximum contract amount of \$2,500,000.00.

The Nelrod Company was selected through a Request for Qualifications (RFQ) process that ranked respondents on experience, capacity, references, project management plan, years in business, and claims history. Four firms responded: The Nelrod Company, PMG Project Management Group, LLC, Your Home Check, and ESPA Corp. GSD evaluated the respondents and The Nelrod Company received the most points based on the advertised criteria.

PROJECT LOCATIONS: Citywide

SCOPE OF CONTRACT AND FEE: The consultant will perform post-weatherization inspections through work orders. Work orders issued under the contract will be paid on a per house basis.

M/WBE PARTICIPATION: A 24% MWBE goal has been established for this contract. The consultant has submitted the following certified firms to achieve the goals:

| <u>M/WBE Firm</u> | <u>Scope of Work</u> | <u>Amount</u> | <u>% of Contract</u> |
|------------------------|---------------------------------------|------------------|----------------------|
| Jarco Ventures, LLC | Scheduling/Telecommunications Support | \$175,000 | 14% |
| Global Force USA, Inc. | Call Center – Dispatch | \$ 87,500 | 7% |
| Staffing Etc, Inc. | Inspectors/Labor | \$ 37,500 | 3% |
| | | \$300,000 | 24% |

PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' Ordinance regarding health benefits for employees of City contractors. In this case, the consultant provides health benefits to eligible employees in compliance with City policy.

REQUIRED AUTHORIZATION

CUIC ID 25MSCL56

Other Authorization:

NA

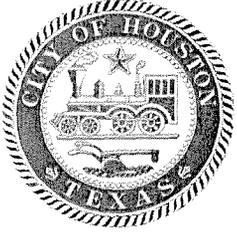
| | | | |
|--------------|---|------------------------------------|-----------------------|
| Date: | SUBJECT: Professional Residential Post Weatherization Home Inspection Contract The Nelrod Company Residential Energy Efficiency Program (REEP) | Originator's Initials GD | Page 2 of 2 |
|--------------|---|------------------------------------|-----------------------|

ARRA REQUIREMENTS: The consultant will adhere to and comply with the special reporting requirements associated with this American Recovery and Reinvestment Act of 2009 (ARRA) Grant as required by the Department of Energy and/or the City of Houston.

The City of Houston will adhere to and comply with the special reporting requirements associated with this American Recovery and Reinvestment Act of 2009 (ARRA) Grant as required by the granting agency and/or the U.S. Office of Management and Budget.

IZD:JLN:LM:mlg

c: Issa Dadoush, P.E., Marty Stein, Jacquelyn L. Nisby, File



CITY OF HOUSTON

General Services Department

56

12/9/09

Interoffice

Correspondence

A handwritten signature in black ink, appearing to read "Issa Dadoush".

To: Marty Stein
Agenda Director

From: Issa Dadoush, PE
Director of General Services
Department

Date: December 8, 2009

Subject: Update MWBE to Item 56 – The Nelrod
Company RCA

An adjustment was made to Agenda Item number 56, the Professional Residential Post Weatherization Home Inspection Contract with the Nelrod Company. Jarco Ventures was not certified in time for the December 9th Council Session and, therefore, cannot be used on this contract. We have replaced Jarco Ventures with ESPA Corp. Global Force USA was also not able to be used in this contract. Staffing Etc., Inc. received the Global Force's share of the contract. The change is demonstrated below:

M/WBE PARTICIPATION: A 24% MWBE goal has been established for this contract. The consultant has submitted the following certified firms to achieve the goals:

| M/WBE Firm | Scope of Work | Amount | % of Contract |
|--------------------|------------------|------------------|---------------|
| ESPA Corp | Inspector | \$175,000 | 14% |
| Staffing Etc, Inc. | Inspectors/Labor | <u>\$125,000</u> | <u>10%</u> |
| | | \$300,000 | 24% |

Please let me know if you have any other questions.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | |
|--|-----------------------|------------------------------|
| SUBJECT: Appropriate Funds for Issuance of a Purchase Order to Texas Environmental Control, Inc. for Asbestos Abatement at Elizabeth L. Ring Branch Library WBS No. E-000062-0002-4 | Page 1 of 1 | Agenda Item 57 |
|--|-----------------------|------------------------------|

| | | |
|---|------------------------------------|-----------------------------------|
| FROM (Department or other point of origin): General Services Department | Origination Date 12-2-09 | Agenda Date DEC 09 2009 |
|---|------------------------------------|-----------------------------------|

| | |
|--|--|
| DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. <i>[Signature]</i> 12/2/09 | Council District affected: A |
|--|--|

| | |
|--|---|
| For additional information contact: Jacquelyn L. Nisby Phone: 832-393-8023 | Date and identification of prior authorizing Council action: |
|--|---|

RECOMMENDATION: Appropriate funds for the project.

| | |
|--|--|
| Amount and Sources of Funding: \$9,613.00 – Public Library Consolidated Construction Fund (4507) | Finance Budget: <i>[Signature]</i> Michelle Mitchell |
|--|--|

SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate \$9,613.00 to fund the issuance of a purchase order to Texas Environmental Control, Inc. for asbestos abatement and disposal at Elizabeth L. Ring Branch Library prior to renovation.

PROJECT LOCATION: 8835 Long Point Rd., (KEY Map No. 450V)

PROJECT DESCRIPTION: The scope of work consists of the removal of asbestos containing floor tile and mastic, window caulking, and pipe insulation.

IZD:HB:JLN:LJ:DE:bo

c: Marty Stein, Jacquelyn Nisby, Wendy Heger, Calvin Curtis, Yvette Burton, Gabriel Mussio, Christopher Gonzales, File 813

REQUIRED AUTHORIZATION

CUIC ID# 25GM205

General Services Department:

[Signature]

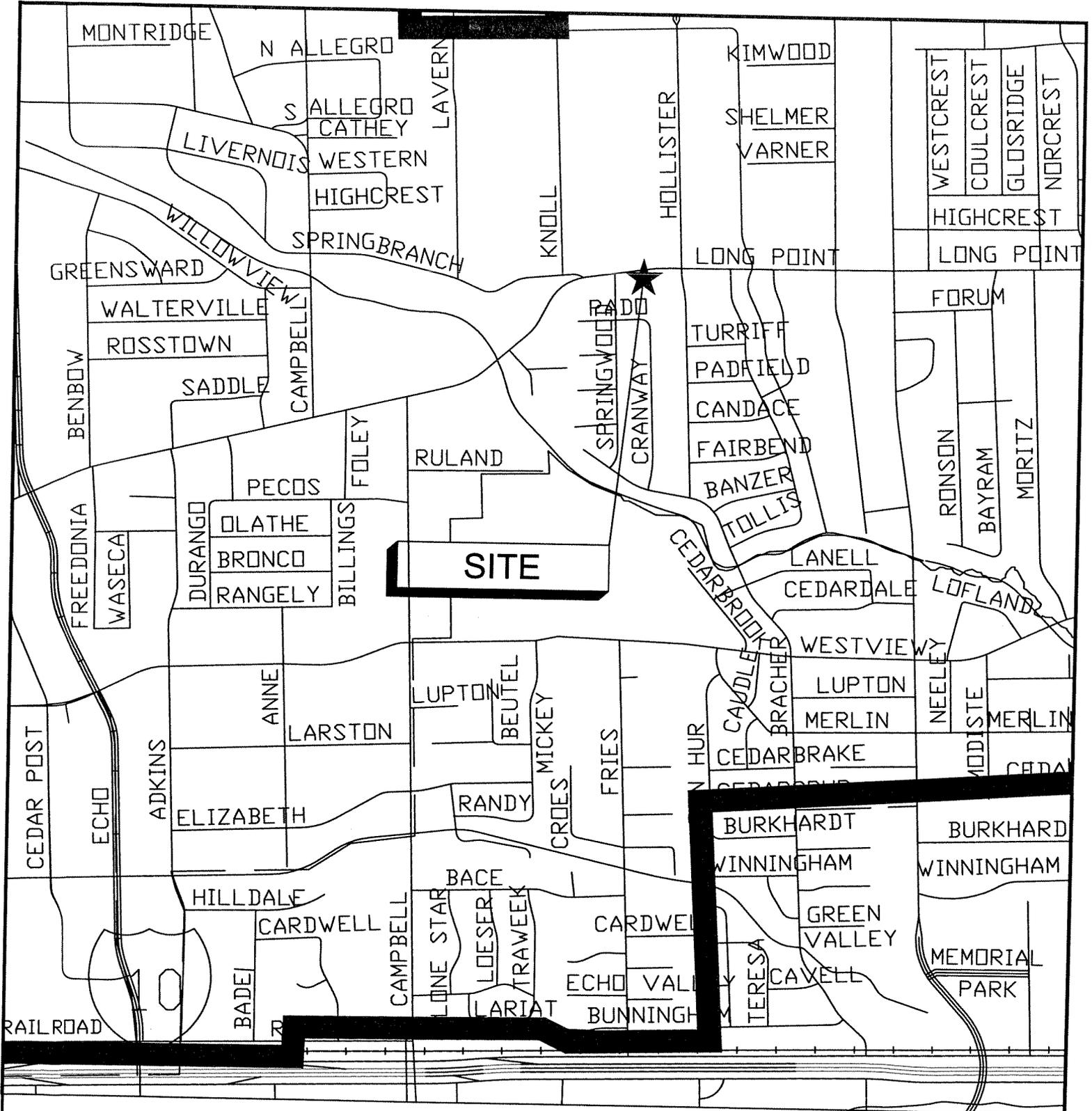
Humberto Bautista, P.E.
Chief of Design & Construction Division

Houston Public Library:

[Signature]

Rhea Brown Lawson, Ph. D.
Director

NOT



ASBESTOS ABATEMENT:
 ELIZABETH L. RING LIBRARY
 8835 LONG POINT
 HOUSTON, TX 77055

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: A Municipal Setting Designation Ordinance prohibiting the use of designated groundwater for 8200 Southwest Freeway, LLC for the Site located at 8200 Southwest Freeway, Houston, TX 77074. (MSD # 2009-015-8200SW)

Page
1 of 1

Agenda Item
58

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

12/3/09

DEC 09 2009

DIRECTOR'S SIGNATURE:

Michael S. Marcotte, P.E., D.WRE, BCEE, Director

Council District affected:

F

For additional information contact:

Carol Ellinger Haddock, P.E. Senior Assistant Director (713) 837-7658
Richard J. Chapin, Senior Project Manager (713) 837-0421

Date and identification of prior authorizing

Council action: 8/22/2007 - 2007-0959
9/23/2009 - 2009-0699

RECOMMENDATION: (Summary)

It is recommended that City Council adopt a Municipal Setting Designation (MSD) Ordinance prohibiting the use of designated groundwater at the 8200 Southwest Freeway, LLC site located at 8200 Southwest Freeway and support issuance of a MSD by the Texas Commission on Environmental Quality. (MSD # 2009-015-8200SW)

Amount and Source of Funding: N/A

BACKGROUND: In 2003, the Texas Legislature authorized the creation of Municipal Setting Designations (MSDs), which would designate an area in which the use of contaminated groundwater is prohibited for use as potable water. The law is administered by the Texas Commission on Environmental Quality (TCEQ) and requires local City support to designate an MSD. The intent of the legislation is to encourage redevelopment of vacant or abandoned properties while protecting the public health. On August 22, 2007, City Council approved an Ordinance amending Chapter 47 of the Code of Ordinances by adding Article XIII relating to groundwater, which provides a process to support or not support a MSD application to the State. This Ordinance requires a written public notice be mailed to property owners within 2,500 feet of a proposed MSD and owners/operators of potable water wells within 5 miles of a proposed MSD. In addition, a public meeting and a public hearing are required to be held prior to City Council consideration of support.

8200 SOUTHWEST FREEWAY, LLC APPLICATION: 8200 Southwest Freeway, LLC is seeking a MSD for 1 -acre of land located at 8200 Southwest Freeway, Houston, TX 77074. The contamination consists of benzene, ethylbenzene, 1,2-dichloroethane (1,2-DCA), 1,1-dichloroethene (1,1-DCE), cis-1,2-dichloroethene (cis-1,2-DCE), methyl tert-butyl ether (MTBE), tetrachloroethene (PCE), toluene, and vinyl chloride (VC). The commercial building was constructed on the site in 1975 with an addition constructed in 1978. The property was formerly occupied by a retail seller and repairer of motorcycles. A phase I environmental site assessment was completed for the designated property in October 2007. No environmental regulatory actions associated with the site were identified in the assessment research conducted. Based upon the investigations completed to date, the contaminat plume is stable. This statement is based on the fact that the underground storage tanks were permanently filled and abandoned in-place in 1994.

8200 Southwest Freeway, LLC is seeking a MSD for this property to restrict access to groundwater to protect the public against exposure to contaminants. There is a public drinking water supply system that meets state requirements that supplies or is capable of supplying drinking water to the MSD property and all properties within one-half mile of the MSD property. In addition, a public meeting (held on 10/28/2009) and a public hearing (held on 11/18/2009) are required to be held prior to City Council's consideration of support.

RECOMMENDATIONS: It is recommended that City Council adopt a Municipal Setting Designation Ordinance prohibiting the use of designated groundwater at the 8200 Southwest Freeway, LLC site located at 8200 Southwest Freeway, Houston, TX 77074, and support issuance of a MSD by the TCEQ.

MSM:AFI:CAE

P:\PLANNING BRANCH\MSD\DATABASE\GENERIC RCA - ORDINANCE SUPPORT.DOC

C: Marty Stein, Waynette Chan, Gary Drabek, Ceil Price

REQUIRED AUTHORIZATION

CUIC ID# 20CAE58

Other Authorization:

Authorization:

Other Authorization:

Andy Icken, Deputy Director
Planning & Development Services Division

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: A Municipal Setting Designation Ordinance prohibiting the use of designated groundwater for RealBlue Investments LLC for the Site located at 2806 - 2818 Hullsmith Drive, Houston, TX 77063. (MSD # 2009-014-RBI)

Page
1 of 1

Agenda Item
59

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

12/3/09

DEC 09 2009

DIRECTOR'S SIGNATURE:

Council District affected:

Michael S. Marcotte, P.E., D.WRE, BCEE, Director

G

For additional information contact:

Date and identification of prior authorizing Council action:

Carol Ellinger Haddock, P.E. Senior Assistant Director (713) 837-7658
Richard J. Chapin, P.E. Senior Project Manager (713) 837-0421

8/22/2007 - 2007-0959
9/23/2009 - 2009-0698

RECOMMENDATION: (Summary)

It is recommended that City Council adopt a Municipal Setting Designation (MSD) Ordinance prohibiting the use of designated groundwater at the RealBlue Investments LLC site located at 2806 - 2818 Hullsmith Drive and support issuance of a MSD by the Texas Commission on Environmental Quality. (MSD # 2009-014-RBI)

Amount and Source of Funding: N/A

BACKGROUND: In 2003, the Texas Legislature authorized the creation of Municipal Setting Designations (MSDs), which would designate an area in which the use of contaminated groundwater is prohibited for use as potable water. The law is administered by the Texas Commission on Environmental Quality (TCEQ) and requires local City support to designate an MSD. The intent of the legislation is to encourage redevelopment of vacant or abandoned properties while protecting the public health. On August 22, 2007, City Council approved an Ordinance amending Chapter 47 of the Code of Ordinances by adding Article XIII relating to groundwater, which provides a process to support or not support a MSD application to the State. This Ordinance requires a written public notice be mailed to property owners within 2,500 feet of a proposed MSD and owners/operators of potable water wells within 5 miles of a proposed MSD. In addition, a public meeting and a public hearing are required to be held prior to City Council consideration of support.

REALBLUE INVESTMENTS LLC APPLICATION: RealBlue Investments LLC is seeking a MSD for 1.38-acres of land located at 2806 - 2818 Hullsmith Drive, Houston, TX 77063. The contamination consists of tetrachloroethene (PCE), trichloroethene (TCE), cis-1,2-dichloroethene (cis-1,2-DCE), and vinyl chloride (VC). Previously, the site was a retail strip center with two automotive repair facilities; the property now consists of cleared, vacant land. The site is surrounded by retail, commercial, single and multi-family residential properties. Contaminants of concern in the groundwater have been identified with protective concentration limits above residential level. Each of these compounds have migrated through the groundwater bearing zone and been stratigraphically trapped. The contaminated groundwater plume is stable; the alleged source of the plume was Tom's Cleaners (VCAP # 1497) which is the adjacent property across Westheimer Road.

RealBlue Investments LLC is seeking a MSD for this property to restrict access to groundwater to protect the public against exposure to contaminants. There is a public drinking water supply system that meets state requirements that supplies or is capable of supplying drinking water to the MSD property and all properties within one-half mile of the MSD property. In addition, a public meeting (held on 10/27/2009) and a public hearing (held on 11/18/2009) are required to be held prior to City Council's consideration of support.

RECOMMENDATIONS: It is recommended that City Council adopt a Municipal Setting Designation Ordinance prohibiting the use of designated groundwater at the RealBlue Investments LLC site located at 2806 - 2818 Hullsmith Drive, Houston, TX 77063, and support issuance of a MSD by the TCEQ.

MSM:AFI:CAE

P:\PLANNING BRANCH\MSD\DATABASE\GENERIC RCA - ORDINANCE SUPPORT.DOC

C: Marty Stein, Wyanette Chan, Gary Drabek, Ceil Price

REQUIRED AUTHORIZATION

CUTIC ID# 20CAE57

Other Authorization:

Authorization:

Other Authorization:

Andy Icken, Deputy Director
Planning & Development Services Division

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8484

Subject: Formal Bids Received for On-Site Water Treatment Sludge Dewatering and Disposal Services for the Public Works and Engineering Department
S50-L23331

Category #
4

Page 1 of 2

Agenda Item

60+61

FROM (Department or other point of origin):
Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date
October 21, 2009

Agenda Date
DEC 09 2009

DIRECTOR'S SIGNATURE

[Handwritten Signature]

Council District(s) affected
All

For additional information contact:

David Guernsey Phone: (713) 238-5241
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve ordinances awarding various contracts, as shown below, in a total amount not to exceed \$5,539,158.00 for on-site water treatment sludge dewatering and disposal services for the Public Works and Engineering Department.

Maximum Contract Amount: \$5,539,158.00

Finance Budget

\$5,539,158.00 - Water and Sewer System Operating Fund (8300)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve ordinances awarding two three-year contracts, with two one-year options to renew for a total five-year term each, as shown below, in a total amount not to exceed \$5,539,158.00 for on-site water treatment sludge dewatering and disposal services for the Public Works and Engineering Department. The City Purchasing Agent may terminate these agreements at any time upon 30-days written notice to the contractors.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Eleven prospective bidders viewed the solicitation document on SPD's e-bidding website and four bids were received as outlined below:

Synagro of Texas-CDR, Inc.: Award on its low bid for on-site water treatment, sludge dewatering and disposal services at the Southeast Water Purification Plant (Item Nos. 5, 6, 15, 16, 25, 26, 35, 36 45 and 46) in an amount not to exceed \$2,007,600.00.

| | <u>Company</u> | <u>Total Amount</u> |
|----|-----------------------------------|----------------------------|
| 1. | Synagro of Texas-CDR, Inc. | \$2,007,600.00 |
| 2. | Merrell Bros., Inc. | \$2,414,958.00 |
| 3. | Terra Renewal, LLC | \$2,968,872.00 |
| 4. | Ancon Marine | \$3,963,456.00 |

Ancon Marine: Award on its low bid for on-site water treatment, sludge dewatering and disposal services at the Northeast Water Purification Plant (Item Nos. 8, 9, 18, 19, 28, 29, 38, 39, 48 and 49) in an amount not to exceed \$3,531,558.00.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NOT

[Handwritten initials]

[Handwritten mark]

8484

| | | | |
|---------------------|---|--------------------------------|-------------|
| Date: 10/21/2009 | Subject: Formal Bids Received for On-Site Water Treatment Sludge Dewatering and Disposal Services for the Public Works and Engineering Department S50-L23331 | Originator's Initials AL | Page 2 of 2 |
|---------------------|---|--------------------------------|-------------|

| | <u>Company</u> | <u>Total Amount</u> |
|----|----------------------------|---------------------|
| 1. | Ancon Marine | \$3,531,558.00 |
| 2. | Terra Renewal, LLC | \$3,633,816.00 |
| 3. | Merrell Bros., Inc. | \$4,203,048.00 |
| 4. | Synagro of Texas-CDR, Inc. | \$5,601,650.00 |

The scope of work requires the contractors to provide all supervision, labor, parts, tools, materials, transportation, equipment, supplies and permits necessary to operate the on-site dewatering system and dispose of sludge at the City's Southeast and Northeast Water Purification Plants. The contractors shall also be required to comply with all applicable Federal, State, County and local statutes and regulations, while performing the on-site dewatering, sludge hauling and disposal operations.

Item Nos. 7, 10, 17, 20, 27, 30, 37, 40, 47 and 50, will not be awarded.

M/WBE Subcontracting:

This invitation to bid was issued as a goal-oriented contact with a 6% M/WBE participation level.

Synagro of Texas-CDR, Inc. has designated the following company as its certified M/WBE subcontractor.

| <u>Name</u> | <u>Type of Work</u> | <u>Amount</u> |
|-------------------------|---------------------|---------------|
| AmPac Chemical Co. Inc. | Supply Polymer | \$120,456.00 |

Ancon Marine has designated the following company as its certified M/WBE subcontractor.

| <u>Name</u> | <u>Type of Work</u> | <u>Amount</u> |
|---|---------------------------|---------------|
| TEM, Holding Co, Inc. dba Will Duett | Labor / Trucking Services | \$211,893.48 |

Pay or Play Program:

The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, Synagro of Texas-CDR, Inc. and Ancon Marine, have both elected to pay into the Contractor Responsibility Fund in compliance with City policy.

| <u>Plant</u> | <u>FY10</u> | <u>Out Years</u> | <u>Subtotal</u> |
|--------------|--------------|-------------------------|-----------------------|
| Southeast | \$164,500.00 | \$1,843,100.00 | \$2,007,600.00 |
| Northeast | \$242,479.00 | \$3,289,079.00 | \$3,531,558.00 |
| | | Aggregate Total: | \$5,539,158.00 |

Buyer: Arturo Lopez

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8511

Subject: Approve an Ordinance Awarding a Contract to the Best Value Respondent for Landscaping Services for the Convention and Entertainment Facilities Department
S11 - L23254

Category #
4

Page 1 of 2

Agenda Item

62

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date

November 16, 2009

Agenda Date

DEC 09 2009

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

1

For additional information contact:

Stephen Lewis Phone: (713) 853-8888
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to Western Horticultural Services on its best value bid in an amount not to exceed \$1,481,898.00 for landscaping services for the Convention and Entertainment Facilities Department.

Maximum Contract Amount: \$1,481,898.00

Finance Budget

\$1,481,898.00 - Civic Center Facility Revenue Fund (8601)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options, to Western Horticultural Services on its best value bid in an amount not to exceed \$1,481,898.00 for landscaping services for the Convention and Entertainment Facilities Department (C&EF). The contractor will not commence landscaping duties until March 1, 2010, when the current landscaping contract expires, however, an early award is recommended so that the new contractor may begin purchasing plant materials and equipment required under the contract. The City Purchasing Agent or the Director may terminate this contract at any time upon 30-days written notice to the contractor.

The scope of work requires the contractor to provide all labor, materials, supplies, tools and equipment necessary to produce and maintain healthy and aesthetically-pleasing flower beds, lawns and trees by irrigating, weeding, mulching, mowing, trimming, pruning, fertilizing and spraying the grounds at various locations. Service locations will include the George R. Brown Convention Center, Wortham Theater Center, Jones Plaza, Jones Hall, Sabine Promenade, Sweeney Clock Triangle, Root Memorial Square Park, Talento Bilingue de Houston, Houston Center for the Arts and Miller Outdoor Theatre.

The Best Value Bid was advertised in accordance with the requirements of the State bid laws. Twenty-five prospective bidders downloaded the solicitation document from the Strategic Purchasing Division website. Bids were received from Metropolitan Landscape Management, Western Horticultural Services, Sugar Land Professional Landscaping and Central Landscaping & Maintenance. The Evaluation Committee consisted of five (5) evaluators. The proposals were evaluated based upon the following criteria:

- Bidder's financial stability and proposed fees.
- Professional background, qualifications and experience of the proposer and proposed Certified Landscaping Professional.
- Proven track record of high landscaping services at facilities of comparable size and complexity including airports, shopping malls, office buildings, convention centers, theater facilities and public assembly facilities. Results of interviews and/or reference checks will be taken into account.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

| | | | |
|---------------------|--|--------------------------------|-------------|
| Date: 11/16/2009 | Subject: Approve an Ordinance Awarding a Contract to the Best Value Respondent for Landscaping Services for the Convention and Entertainment Facilities Department S11 - L23254 | Originator's Initials GK | Page 2 of 2 |
|---------------------|--|--------------------------------|-------------|

- Bidder's demonstrated level of commitment and ability to provide all services and equipment on an expedited basis, as outlined in the ITB, including willingness to agree to all legal requirements included in the ITB.
- M/WBE Utilization.

Western Horticultural Services received the highest overall score.

M/WBE Subcontractor:

This Best Value Bid was issued as a goal-oriented contract with a 10% M/WBE participation level. Western Horticultural Services has designated the below named companies as its certified M/WBE subcontractors:

| <u>Subcontractor Name</u> | <u>Type of Service</u> | | <u>Percentage</u> |
|--|-----------------------------------|---------------------|-------------------|
| Holcomb Environmental Waste Oil Services | Waste Oil Recovery Oil Recycle | \$3,000.00 | .3% |
| Safety Supply, Inc. | Safety Supplies | \$10,000.00 | .6% |
| Abilities Unlimited, Inc. | Employment Agency | \$125,000.00 | 8.5% |
| Brokers Grass | Landscape Supply | \$10,000.00 | .6% |
| Nationwide Testing Systems | Drug testing | \$ 6,000.00 | .3% |
| Total | | \$154,000.00 | 10.30% |

This award will be monitored by the Affirmative Action Division.

Pay or Play Program

The proposed contract requires compliance with City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

Funding Information

| <u>Department</u> | <u>FY10</u> | <u>Out Years</u> | <u>Amount</u> |
|---------------------------------------|--------------|------------------|----------------|
| Convention & Entertainment Facilities | \$165,000.00 | \$1,316,898.00 | \$1,481,898.00 |

Buyer: Gloria Jordan-King

| | | |
|--|-----------------------|--------------------------------|
| SUBJECT Ordinance appropriating funds and approving a Professional Services Contract for Negotiated Work Orders for Investment Grade Audit for Various Wastewater Facilities Q23420 | Page 1 of 2 | Agenda Item # 63 |
|--|-----------------------|--------------------------------|

| | | |
|--|---|---------------------------------------|
| From: (Department or other point of origin): Public Works and Engineering Department | Origination Date December 2, 2009 | Agenda Date DEC 09 2009 |
|--|---|---------------------------------------|

| | |
|---|---|
| Director's Signature:  Michael S. Marcotte, P.E. D.WRE, BCEE | Council District affected: (Council District Letter Only) All |
|---|---|

| | |
|--|--|
| For additional information contact: Dannelle H. Belhateche, P. E. Sr. Assistant Director Phone: (713) 641-9182 | Date and identification of prior authorizing Council action: N/A |
|--|--|

Recommendation: (Summary)
 Adopt Ordinance appropriating funds and approving an Investment Grade Audit (IGA) contract for performing a detailed analysis of energy consumption reduction options at several Wastewater Treatment Facilities for the Department of Public Works and Engineering.

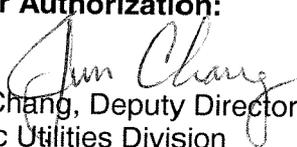
Award Amount: \$7,500,000.00 Combined Utility System General Purpose Fund (8305). *JOB 12/4/09*

SPECIFIC EXPLANATION:
 The Director of the Department of Public Works and Engineering (PW&E) recommends that City Council approve a professional services contract for energy audit services to Siemens Industry, Inc. (f/k/a Siemens Building Technologies), to identify innovative energy efficient and sustainable operating solutions for the City's wastewater treatment and collection system for a term of one (1) year with additional one (1) year period renewal option.

The City is looking for long term technologies and methods to reduce its energy consumption in the treatment of municipal and industrial wastewaters and processing and disposal of related biosolids. Energy saving performance contracts were created by the legislative process and are authorized by Chapter 302 of the Texas Local Government Code. The Energy savings contract represents a partnership between the Energy Service Company (ESCO) and the City to deliver self-funding facility improvements with substantial reductions in energy consumption. The ESCO contractually guarantees that the energy savings realized by the project will payback the entire project costs over a specified timeframe.

This contract allocation represents the maximum compensation set aside for the vendor's preliminary engineering effort in the IGA. This allocation will be spent only in the event that PWE decides not to enter into a subsequent guaranteed Energy Performance Contract with the vendor to implement the negotiated energy conservation measures developed through the IGA. Should the City enter into a subsequent contract with the vendor to implement some or all of the developed energy conservation measures, this funding will be de-appropriated from the fund at the completion of the IGA, and all compensation to the vendor will be payable through the subsequent Energy Performance Contract.

The City established a multi-disciplinary team to design a fair and transparent process for selecting the contractor for this project. The team was comprised of seven members including representatives from the Mayor's Office of Environmental Programming, the City Legal Department, General Services Department, and Public Works and Engineering. The team

| | | |
|-------------------------------|---|---|
| REQUIRED AUTHORIZATION | | |
| Finance Department | Other Authorization:  Jun Chang, Deputy Director Public Utilities Division | Other Authorization: <i>2009HB 25</i> |

developed and issued a Request for Qualifications (RFQ) to identify qualified ESCOs to develop specific energy savings projects. Financial viability of each ESCO was an important component of the qualification, as the ESCO will be contractually bound to guarantee the savings required to finance repayment of the project costs. Responses were received on July 20, 2009. Four firms responded to the RFQ and were evaluated by the team. The team concluded that all four firms were qualified and then issued a Request for Proposal (RFP) to the four respondents. The RFP required the firms to propose actual energy savings improvements and provide specific information regarding the quantity of savings that could be achieved and the means of validating and measuring those savings. Responses to the RFP were received October 20, 2009. Each of the four respondents was invited for intensive interviews with the evaluation team. All references provided by the respondents were verified.

The contract is a work order based contract that envisions long term improvements at six treatment facilities: the 69th Street Wastewater Treatment Plant (WWTP); the Alameda Sims WWTP; the Sims (North) Bayou WWTP, the Sims South WWTP; the Clinton Park WWTP; and the Homestead WWTP at this time, although other facilities may be added at a later date. The energy conservation measures (ECMs) considered will include both the liquids processing and sludge processing facilities, and include potential decommissioning of up to four treatment plants. These ECMs are expected to result in significant cost reductions in operations and maintenance of the identified facilities, both in the short term and in the future. In addition, there will be significant reduction of green house gases and increased resiliency in case of loss of power in an emergency.

The City expects to implement some, if not all, of the proposed ECMs, and will request City Council to approve a subsequent contract to implement those ECMs following completion of specific work orders envisioned by the IGA.

This project is being done in conjunction with the City's partnership with the Clinton Climate Initiative (CCI). CCI's mission is to reduce green house gases in practical and measurable ways, through creative purchasing consortiums and by tapping into energy savings to pay for project costs.

PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's "Pay or Play" Ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

M/WDBE INFORMATION: A W/WBE goal of 24% has been established for each contract. The consultants have submitted the following certified firms to achieve the goal. Each additional work order contract will address specific goals for M/WDBE firms:

| <u>Firm</u> | <u>Work Description</u> |
|---|---|
| Associated Testing Laboratories, Inc. | Geotechnical Investigations, Instrumentations, Lab Testing, Engineering Analysis; Construction Inspection; Lab Testing, Reports and Recommendations |
| Bocci Engineering, LLC | Engineering Consulting Services focusing on Energy Engineering |
| Briones Consulting & Engineering, LTD | Civil Engineering/Construction Management |
| ISANI Consultants, Inc. | Construction Management & Engineering Services |
| Kalluri Group, Inc. | Engineering, Consulting, Project Management, Water and Wastewater Treatment Design |
| KIT Professionals, Inc. | Full Service Engineering Consulting and Information Technologies Solutions Provider |
| Omega Engineers, Inc. | Consulting Engineer: Civil Design/Drafting; Project Management & Contract Administration |
| C: Marty Stein Waynette Chan Gary Drabek Sophia Chang Jun Chang, P.E. | |

| | | |
|---|----------------|-------------------------|
| SUBJECT: Professional Engineering Services Contract between the City of Houston and IDC Inc. for Safe Routes to School Program. W.B.S. Nos. N-00610A-0102-3, N-00610A-0103-3, N-00610A-0104-3, N-00610A-0105-3, N-00610A-0106-3. | Page 1 of 2 | Agenda Item # 64 |
|---|----------------|-------------------------|

| | | |
|---|-------------------------------------|-----------------------------------|
| From: (Department or other point of origin): Department of Public Works and Engineering | Origination Date 11/11/09 | Agenda Date DEC 09 2009 |
|---|-------------------------------------|-----------------------------------|

| | |
|---|---|
| Director's Signature:  Michael S. Marcotte, P.E., D.WRE, BCEE | Council District affected: H & I <i>su</i> |
|---|---|

| | |
|--|---|
| For additional information contact:  Hamlet Hovsepian, P.E. Interim Senior Assistant Director (713) 837-7033 | Date and identification of prior authorizing Council action: |
|--|---|

Recommendation: (Summary) An ordinance approving a Professional Engineering Services Contract with IDC Inc. and appropriate funds.

Amount and Source of Funding: \$324,243.00 from Street and Bridge Consolidated Construction Fund No. 4506.

PROJECT NOTICE/JUSTIFICATION: This project will be constructed by the City of Houston under the Safe Routes to School Program. This federally funded program will be managed by the Texas Department of Transportation in conjunction with the City of Houston to construct sidewalks around schools. The schools included in the approved application are Burnet Elementary School, Briscoe Elementary School, Franklin Elementary School, De Zavala Elementary School and Carrillo Elementary School. The City is required to pay for design costs and any construction costs above the approved grant amount. The project provides for the design of approximately 21,890 linear feet of sidewalks. *M.P. 10/27/09*

SCOPE OF CONTRACT AND FEE: Under the terms of the Contract, the Consultant will perform Phases I and II Final Design, Phase III Construction Services and Additional Services. The consultant will prepare layouts and drawings, conduct feasibility analysis, develop detailed cost estimates for construction, and prepare final plans and specifications for construction. The Basic Services Fee for this project is computed by lump sum per foot of sidewalk designed. Negotiations with the Consultant have resulted in an estimated total Basic Design Fee of \$113,944.00 for Phases I and II Final Design, and Phase III Construction Services. The total Additional Services Fee is \$180,822.72. The breakdown of fees per project is as follows: Burnet Elementary School is \$27,903.00 for Basic Services, \$44,275.72 for Additional Services and \$5,895.00 for project management. Briscoe Elementary School is \$24,308.00 for Basic Services, \$38,577.00 for Additional Services and \$5,895.00 for project management. Franklin Elementary School is \$28,108.00 for Basic Services, \$44,607.00 for Additional Services and \$5,895.00 for project management. De Zavala Elementary School is \$21,549.00 for Basic Services, \$34,199.00 for Additional Services and \$5,895.00 for project management. Carrillo Elementary School is \$12,076.00 for Basic Services, \$19,164.00 for Additional Services and \$5,896.28 for project management. The Additional Services include surveying, environmental mitigation, storm water pollution prevention plans and traffic control plans.

The total cost of the project is \$324,243.00 to be appropriated as follows: \$294,766.72 for contract services and \$29,476.28 for project management.

LOCATION: This project is located in Council Districts H & I. The project is located in various Key Map Grids.

| | | |
|-------------------------------------|-----------------------------|---|
| REQUIRED AUTHORIZATION | | CUIC ID #20SIK22 |
| Finance Department: ✓ | Other Authorization: | Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division |

SUBJECT: Professional Engineering Services Contract between the City of Houston and IDC Inc. for Safe Routes to School Program.
N.B.S. Nos. N-00610A-0102-3, N-00610A-0103-3, N-00610A-0104-3,
N-00610A-0105-3, N-00610A-0106-3.

**Originator's
Initials**

SK

**Page
2 of 2**

PLAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits for all eligible employees, in compliance with City policy.

M/WBE INFORMATION: The M/WBE goal established for this project is 24%. The Consultant proposes the following plan to meet the M/WBE goal:

| <u>Name of Firms</u> | <u>Work Description</u> | <u>Amount</u> | <u>% of Total Contract</u> |
|-------------------------------------|-------------------------|---------------------|----------------------------|
| 1. Quadrant Consultants Inc. | Environmental | \$89,000.15 | 30.19% |
| 2. Lina T. Ramey & Associates, Inc. | Surveys | \$50,846.44 | 17.25% |
| 3. Accessibility Check | Review / Inspection | \$930.00 | 0.32% |
| | TOTAL | \$140,776.59 | 47.76% |



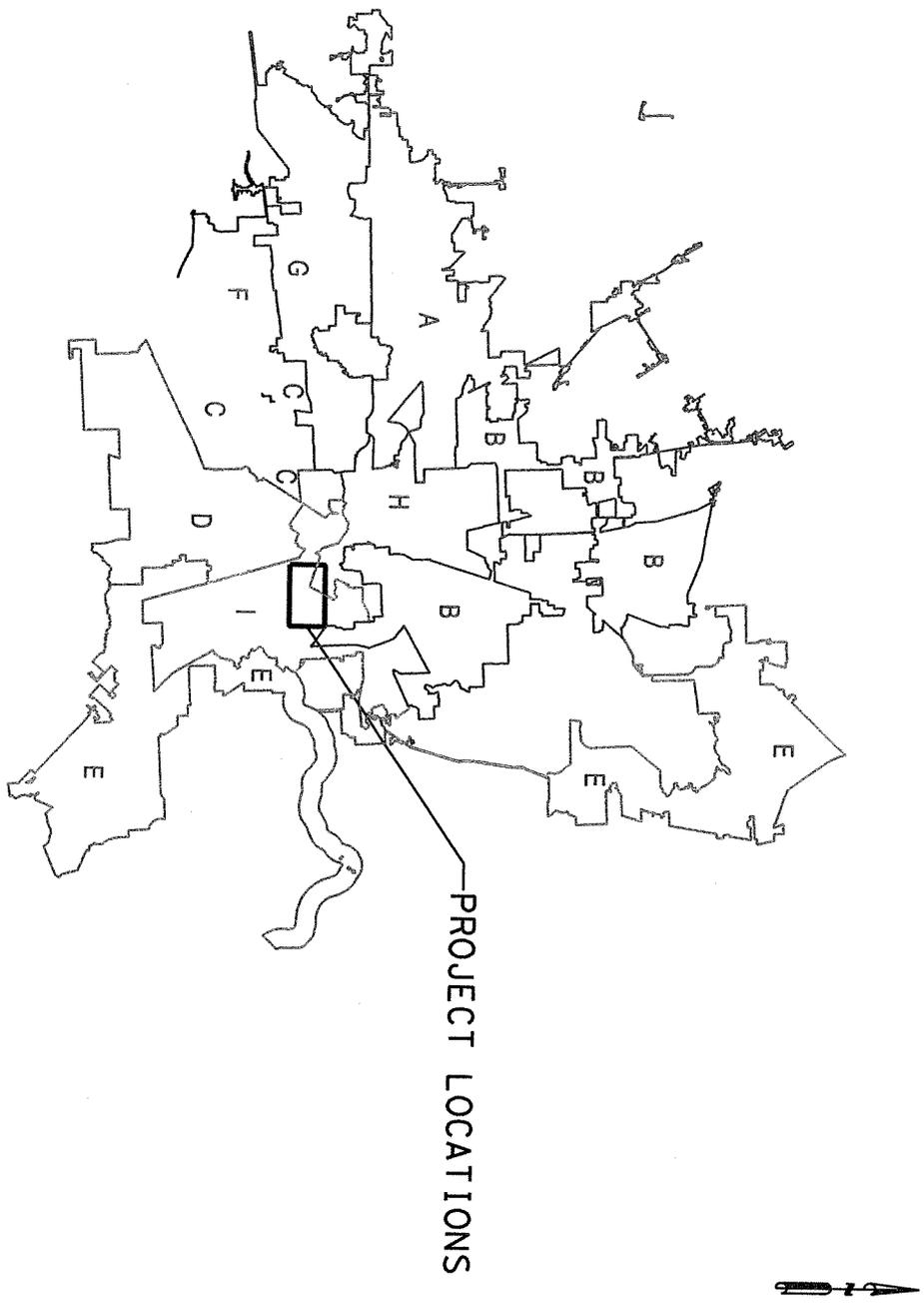
MSM:DRM:HH:FOS:SK

:\design\A-NP-DIV\Sidewalks\N-00610A-(0102-0106)-3\1.0 Design Contract\1.2 RCA\Design RCA.doc

Marty Stein
Velma Laws
Susan Bandy
Craig Foster
File No. N-00610A-(0102 – 0106)-3

DEPARTMENT OF PUBLIC WORKS AND ENGINEERING
ENGINEERING AND CONSTRUCTION DIVISION

SAFE SIDEWALK PROGRAM
WBS NO: N-00610A-(102-106)-3



PROJECT LOCATIONS

COUNCIL DISTRICT MAP

SAFE SIDEWALK PROJECT
WBS NO. N-00610A-(102-106)-3

SCALE: N.T.S. DATE: 07-30-09



Planners-Engineers-Program Managers

65
DEC 09 2009

MOTION NO. 2009 0874

MOTION by Council Member Khan that an item be placed on the Agenda of December 9, 2009, to receive nominations for appointments to Positions 6, 7, 8 and 9 of the Board of Directors of Reinvestment Zone Number One (St. George Place), City of Houston, Texas, for terms to expire December 31, 2011, and for Chair for a term to expire December 31, 2010.

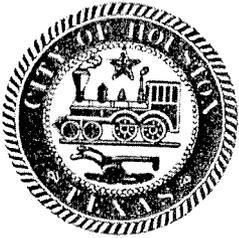
Seconded by Council Member Green and carried.

Mayor White, Council Members Lawrence, Johnson,
Clutterbuck, Adams, Sullivan, Khan, Holm, Gonzalez,
Rodriguez, Brown, Lovell, Noriega, Green and Jones
voting aye
Nays none

PASSED AND ADOPTED this 2nd day of December 2009.

Pursuant to Article VI, Section 6 of the City Charter, the
effective date of the foregoing motion is December 8, 2009.

City Secretary



CITY OF HOUSTON

Office of the Mayor

Interoffice

Correspondence

103
DEC 02 2009

To: Anna Russell
City Secretary

From: *JV* Linda Clarke
Boards and Commissions

Date: November 25, 2009

Subject: **REINVESTMENT ZONE NUMBER ONE (ST GEORGE PLACE)**

NON-CONSENT AGENDA MISCELLANEOUS

Motion to set a date not less than seven (7) days from December 2, 2009, to receive nominations for appointments to Positions 6, 7, 8 and 9 of the Board of Directors of Reinvestment Zone Number One (St. George Place), City of Houston, Texas for terms to expire December 31, 2011, and for Chair for a term to expire December 31, 2010.

Position 6
Position 7
Position 8
Position 9

Gary Baumgartner
J. David Enloe, Jr.
Walter S. Goff
William G. Hutz (Chair)

Nominated by Council Member Clutterbuck
Nominated by Council Member Clutterbuck
Nominated by Council Member Clutterbuck
Nominated by Council Member Clutterbuck

These four board members have expired terms and are appointed by Council.

LC/jsk

cc: Ms. Marty Stein

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66

DEC 09 2009

MOTION NO. 2009 0875

MOTION by Council Member Khan that an item be placed on the Agenda of December 9, 2009, to receive nominations for appointments to Positions 18, 19, 20, 21 and 22 of Houston Read Commission with three-year staggered terms from the date of appointment.

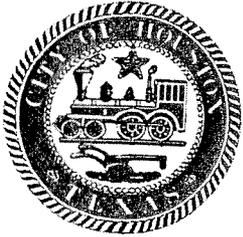
Seconded by Council Member Green and carried.

Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Lovell, Noriega, Green and Jones
voting aye
Nays none

PASSED AND ADOPTED this 2nd day of December 2009.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is December 8, 2009.

City Secretary



CITY OF HOUSTON

Office of the Mayor

Interoffice

Correspondence

104

To: Anna Russell
City Secretary

From: *ju* Linda Clarke
Boards and Commissions

Date: November 25, 2009

Subject: Houston Read Commission
Council Appointments

NON-CONSENT AGENDA MISCELLANEOUS

Motion to set a date not less than seven (7) days from December 2, 2009, to receive nominations for Positions 18, 19, 20, 21 and 22 of Houston Read Commission with three-year staggered terms from the date of appointment. The current members serving are:

| | | | Expiration Date |
|-------------|--------------------|-----------------|-----------------|
| Position 18 | Maribel Barrera | CM Garcia | 1/25/2008 |
| Position 19 | Alamdar S. Hamdani | CM Khan | 5/24/2009 |
| Position 20 | Etta Hill | CM Sekula-Gibbs | 1/19/2008 |
| Position 21 | Diana M. Valverde | CM Sekula-Gibbs | 1/19/2008 |
| Position 22 | Philip Fraissinet | CM Berry | 5/24/2009 |

LC/jsk

cc: Ms. Marty Stein

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NOV 26 2009
CITY SECRETARY

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Motion to set a public hearing date for an amendment to the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone No. 2 (Midtown Zone)

Category #

Page
1 of 1

Agenda Item#

67

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date

12/2/09

Agenda Date

DEC 09 2009

DIRECTOR'S SIGNATURE:

Finance Department

Michelle Mitchell

Council Districts affected:

D, I

For additional information contact:

Salima Pirmohamed
Tim Douglass

Phone: (713) 837-9583
(713) 837-9857

Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Set a public hearing date for an amendment to the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone No. 2 (Midtown Zone)

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING:

General Fund
 N/A

Grant Fund

Enterprise Fund

SPECIFIC EXPLANATION:

On November 30, 2009 the Board of Directors of TIRZ No. 2 (Midtown) approved an amendment to the Project Plan and Financing Plan for the Zone and has transmitted a proposed Amended Project Plan and Reinvestment Zone Financing Plan (the "Amended Plan") to the City for consideration.

Per Section 311.011(e) of the Tax Code (the "TIRZ Act"), a public hearing must be held prior to adopting an ordinance approving the Amended Plan. The Finance Department recommends setting a public hearing date on December 29, 2009.

cc: Marty Stein, Agenda Director
Anna Russell, City Secretary
Arturo Michel, City Attorney
Deborah McAbee, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

Tim

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | |
|--|--|--|----------------------------|
| SUBJECT: Motion establishing a public hearing date to consider adopting a Municipal Setting Designation Ordinance for Annie D. Adams Family Partnership, Ltd. for the Site located at 1025 Lockwood Dr., Houston, TX 77020 (MSD # 2009-017-FRM) | | Page 1 of 1 | Agenda Item # 68 |
| FROM (Department or other point of origin): Department of Public Works and Engineering | | Origination Date 12/3/09 | Agenda Date DEC 09 2009 |
| DIRECTOR'S SIGNATURE: <i>MSM</i>  Michael S. Marcotte, P.E., D.WRE, BCEE, Director | | Council District affected: H B, I, and D within 5 miles of site. | |
| For additional information contact: Carol Ellinger Haddock, P.E. Senior Assistant Director (713) 837-7658 Richard J. Chapin, Senior Project Manager (713) 837-0421 | | Date and identification of prior authorizing Council action: 8/22/2007 – 2007-0959 | |

RECOMMENDATION: (Summary)
Establish a public hearing date to consider adopting a Municipal Setting Designation (MSD) Ordinance for Annie D. Adams Family Partnership, Ltd. for the site located at 1025 Lockwood Dr.

Amount and Source of Funding: N/A

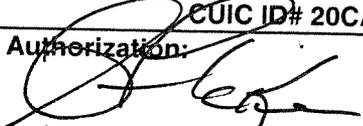
BACKGROUND: In 2003, the Texas Legislature authorized the creation of Municipal Setting Designations (MSDs), which would designate an area in which the use of contaminated groundwater is prohibited for use as potable water. The law is administered by the Texas Commission on Environmental Quality (TCEQ) and requires local City support to designate an MSD. The intent of the legislation is to encourage redevelopment of vacant or abandoned properties while protecting the public health. On August 22, 2007, City Council approved an Ordinance amending Chapter 47 of the Code of Ordinances by adding Article XIII relating to groundwater, which provides a process to support or not support a MSD application to the State. This Ordinance requires a written public notice be mailed to property owners within 2,500 feet of a proposed MSD and owners/operators of potable water wells within 5 miles of a proposed MSD. In addition, a public meeting and a public hearing are required to be held prior to City Council consideration of support.

ANNIE D. ADAMS FAMILY PARTNERSHIP, LTD. APPLICATION: Annie D. Adams Family Partnership, Ltd. is seeking a MSD for 12.4-acres of land located at 1025 Lockwood Dr., Houston, TX 77020. The contamination consists of tetrachloroethene (PCE), trichloroethene (TCE), cis-1-2-dichloroethene (cis-1,2-DCE), and vinyl chloride (VC). The property was formerly owned by Rheem. Cold steel container or drum manufacturing operations were conducted from the 1930s until the property was sold in 1986. Groundwater monitoring has occurred at the site since 1990. Both Rheem and Cameron (the property to the north) have historically worked closely with regulators from the TCEQ and have submitted numerous site assessments, monitoring, and other reports. There is a groundwater plume of chlorinated volatile organic compounds (VOCs) associated with the former Cameron property (the property to the north) in both the upper and second water-bearing zones. It appears that the affected groundwater from the two properties has comeingled. A public meeting will be held on 12/16/2009 at 6:30:00 PM at the Ripley House, 4410 Navigation, Houston, TX 77011.

Annie D. Adams Family Partnership, Ltd. is seeking a MSD for this property to restrict access to groundwater to protect the public against exposure to contaminants. There is a public drinking water supply system that meets state requirements that supplies or is capable of supplying drinking water to the MSD property and all properties within one-half mile of the MSD property.

RECOMMENDATIONS: City Ordinance requires City Council to hold a public hearing before adopting a Municipal Setting Designation Ordinance (MSD). The Department of Public Works and Engineering recommends establishing a public hearing date not sooner than six weeks from passage of the Motion and directing the City Secretary to publish notice of the hearing no less than thirty (30) calendar days before the public hearing date for Annie D. Adams Family Partnership, Ltd. for the site located at 1025 Lockwood Dr. Preferred public hearing date is 1/27/2010.

MSM:AFI:CAE
C:\PLANNING BRANCH\MSD\DATABASE\GENERIC RCA - PUBLIC HEARING.DOC
C: Marty Stein, Waynette Chan, Gary Drabek, Ceil Price

| | | |
|-------------------------------|---|-----------------------------|
| REQUIRED AUTHORIZATION | | |
| CUIC ID# 20CAE54 | | |
| Finance Department: | Authorization:  Andrew F. Icken., Deputy Director Planning and Development Services Division | Other Authorization: |

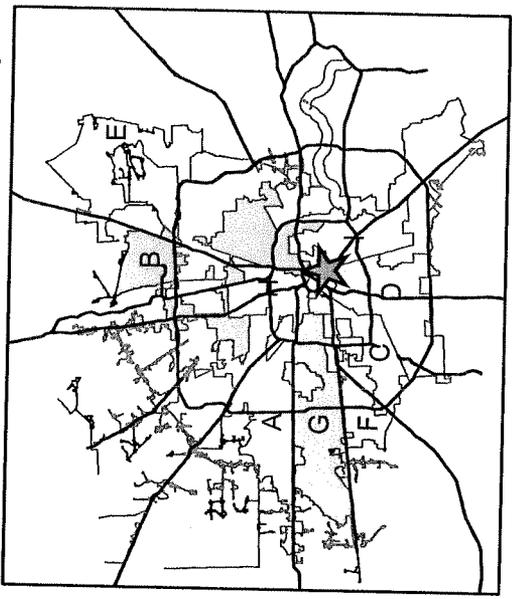
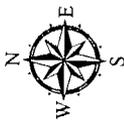
Municipal Settings Designation Application

2008-017-FRM

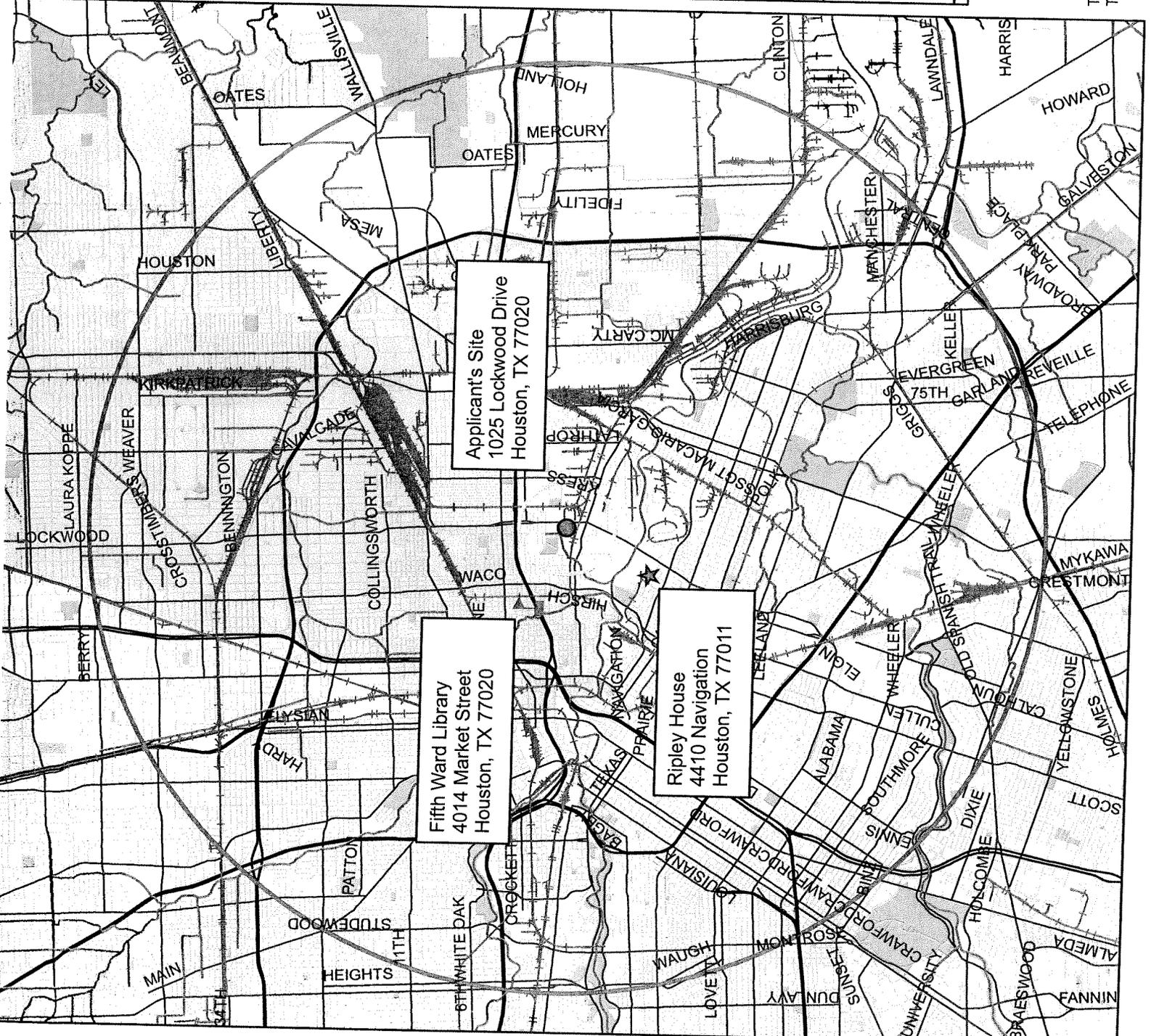
Vicinity Map

Legend

-  MSD Application
-  Community Center
-  Library
-  5 Mile Notification Area
-  1/2 Mile Notification Area



This map represents the best information available to the City. The City does not warrant its accuracy or completeness. Field verification should be performed as necessary.





Wilson, Cribbs & Goren, P.C.
Attorneys at Law

69
DEC 09 2009

November 5, 2009

Via Messenger

Ms. Anna Russell, City Secretary
City of Houston
900 Bagby P101
Houston, Texas 77002

Re: **APPEAL TO CITY COUNCIL FROM GENERAL APPEALS BOARD** (the "**Board**") by Maryland Manor Associates/Buckhead Investment Partners, Inc. ("**Buckhead**") regarding the denial of Building Permit for Sitework and Foundation (the "**Permit**") for the proposed 23 story high rise mixed use project (231 residential units) at 1717 Bissonnet St., Houston, Texas, Dept. of Public Works & Engineering Project No. 07042588.

Dear Ms. Russell:

By letter dated November 3, 2009, this firm filed an appeal to City Council on behalf of Buckhead (the "Original Letter of Appeal"), a copy of which is enclosed for your reference. We have since been notified by Mr. Randy Pourteau, Sr. Assistant City Attorney, that the Original Letter of Appeal may have been premature, as it predates the written decision of the Board. A copy of the written decision of the Board dated November 4, 2009, and the letter we received from Mr. Pourteau are also enclosed for your reference.

In light of the foregoing, please accept this letter as written notice of the above-referenced appeal to City Council. In accordance with Mr. Pourteau's letter, please use the certified record previously submitted with the Original Letter of Appeal, which included the following:

1. The argument and testimony of the October 22nd Public Hearing;
2. Buckhead's pleadings and documents submitted to and considered by the Board; and
3. Buckhead's PowerPoint presentation to the Board.

The City submitted no written pleadings or documents and did not make a PowerPoint presentation.

As has been the historic treatment of appeals from the Board to City Council, we respectfully request that this appeal be set for consideration at the next available City

Ms. Anna Russell
November 5, 2009
Page 2

Council meeting, and request a reasonable amount of time to make a presentation and argument to the City Council based upon the record.

As was included with the Original Letter of Appeal, I have attached with this letter a summary of Buckhead's arguments in favor of granting the appeal.

Very truly yours,

Handwritten signature of Reid C. Wilson in black ink, followed by the initials "/ALM".

Reid C. Wilson

RCW/alm
Enclosures

G:\Clients\6427\002\General Appeals Board\Appeal to City Council\Letter re Appeal to City Council (11-5-09).doc

cc: Randy Pourteau, Sr. Assistant City Attorney
City of Houston

Kevin Kirton
Matthew Morgan
Buckhead Investment Partners, Inc.



WCG

Wilson, Cribbs & Goren, P.C.
Attorneys at Law

November 3, 2009

Via Messenger

Ms. Anna Russell, City Secretary
City of Houston
900 Bagby P101
Houston, Texas 77002

Re: **APPEAL TO CITY COUNCIL FROM GENERAL APPEALS BOARD** (the "**Board**") by Maryland Manor Associates/Buckhead Investment Partners, Inc. ("**Buckhead**") regarding the denial of Building Permit for Sitework and Foundation (the "**Permit**") for the proposed 23 story high rise mixed use project (231 residential units) at 1717 Bissonnet St., Houston, Texas, Dept. of Public Works & Engineering Project No. 07042588 (the "**Project**").

Dear Ms. Russell:

Pursuant to City of Houston Building Code Section 112.3, Buckhead appeals to the City Council the Board's 3-2 decision upholding the denial of the Permit. As you know, this is an appeal on the record of the Board's decision, therefore, we enclose the certified record which includes the following:

1. The argument and testimony of the October 22nd Public Hearing;
2. Buckhead's pleadings and documents submitted to and considered by the Board; and
3. Buckhead's PowerPoint presentation to the Board.

The City submitted no written pleadings or documents and did not make a PowerPoint presentation.

As has been the historic treatment of appeals from the Board to City Council, we respectfully request that this appeal be set for consideration at the next available City Council meeting, and request a reasonable amount of time to make a presentation and argument to the City Council based upon the record.

Attached is a summary of Buckhead's arguments in favor of granting the appeal. Since this appeal is limited to the record, we have taken the liberty of providing to each of the Mayor and Council Members a complete copy of this letter, its attachments and the record.

Ms. Anna Russell
November 3, 2009
Page 2

Very truly yours,



Reid C. Wilson

RCW/dms

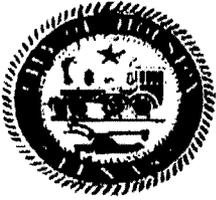
Enclosures

G:\Clients\6427\002\General Appeals Board\Appeal to City Council\Letter re Appeal to City Council (11-3-09).doc

cc: Mayor Bill White
Councilmember Peter Brown, At Large Position 1
Councilmember Sue Lovell, At Large Position 2
Councilmember Melissa Noriega, At Large Position 3
Councilmember Ronald C. Green, At Large Position 4
Councilmember Jolanda Jones, At Large Position 5
Councilmember Toni Lawrence, District A
Councilmember Jarvis Johnson, District B
Councilmember Anne Clutterbuck, District C
Councilmember Wanda Adams, District D
Councilmember Mike Sullivan, District E
Councilmember M.J. Khan, District F
Councilmember Pam Holm, District G
Councilmember Edward Gonzalez, District H
Councilmember James G. Rodriguez, District I

Kevin Kirton
Matthew Morgan
Buckhead Investment Partners, Inc.

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NOV 3 2009
CITY SECRETARY



CITY OF HOUSTON
Public Works and Engineering Department

Bill White

Mayor

Michael S. Marcotte, P.E., D.WRE, BCEE,
Director
P.O. Box 51167
Houston, Texas 77208-1167
3300 Main
Houston, Texas 77002

T. 713-535-7510
F. 713-535-7946
www.houstontx.gov

November 4, 2009

Reid C. Wilson
Wilson, Cribbs and Goren, P.C.
2500 Fannin Street
Houston, Texas 77002

VIA CERTIFIED MAIL 7008 0150 0003 3382 4781

Re: Appeal from denial of an application for a building permit for site work and foundation submitted April 7, 2009 for 1717 Bissonnet.

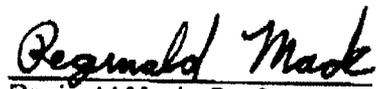
Dear Mr. Wilson:

On October 22, 2009, a hearing was held before the General Appeals Board on the above referenced matter.

Based upon the testimony presented at the hearing, the General Appeals Board found that the appeal should be denied and the decision of the City Engineer, of City of Houston be upheld.

Any interested person aggrieved by a decision of the General Appeals Board may appeal to the City Council, provided that written notice to the City Council for such appeal is delivered to the City Secretary within 10 days from the date this letter is mailed to the appellant.

SIGNED on the 4TH day of Nov., 2009


Reginald Mack, Co-Chairman
General Appeals Board
Of the City of Houston

RM:rb

cc: Gary Bridges
Randy Pourteau
Evelyn Njuguna
Mark Loethen



CITY OF HOUSTON

Legal Department

Bill White

Mayor

Via Fax (713) 229-8824

Mr. Reid C. Wilson
Wilson, Cribs & Goren, P.C.
2500 Fannin Street
Houston, Texas 77002

Arturo Michel
City Attorney
Legal Department
P.O. Box 368
Houston, Texas 77001-0368
City Hall Annex
900 Bagby, 4th Floor
Houston, Texas 77002

T. 832.393.6491
F. 832.393.6259
www.houstontx.gov

Re: Appeal to City Council from General Appeals Board by Maryland Manor Associates/Buckhead Investment Partners, Inc., ("Buckhead") regarding the denial of an application for a building permit for site work and foundation for Project No. 07042588, presented by Buckhead on April 7, 2009 (the "Permit").

Dear Mr. Wilson:

Your letter of November 3, 2009, filed with the City Secretary of the City of Houston on behalf of Buckhead¹ has been preliminarily referred to me. As you may know, Section 112.3 of the CITY OF HOUSTON BUILDING CODE provides, in pertinent part:

Any interested person aggrieved by a decision of the board may appeal to the City Council, provided that written notice to the City Council for such appeal is delivered to the City Secretary within 10 days *after* the date that the written decision of the board is mailed to the appellant by the board secretary.

CITY OF HOUSTON BUILDING CODE, § 112.3, emphasis added. A copy of the written decision of the General Appeals Board concerning the above-referenced appeal, dated November 4, 2009, is also attached for your reference. I bring to your attention that, because your letter of November 3, 2009, predates the written decision of the board, it is not timely under CITY OF HOUSTON BUILDING CODE, § 112.3.

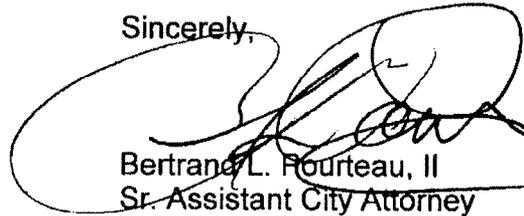
Rule 27.1 of the Texas Rules of Appellate Procedure provides that a prematurely filed notice of appeal is effective and deemed filed on the day of, but after, the event that begins the period for perfecting the appeal. Unfortunately, there is no similar rule in the CITY OF HOUSTON CODE OF ORDINANCES which govern this Appeal.

¹ A copy of your November 3, 2009, letter, *sans* exhibits, is attached for your reference.

Accordingly, in order for a written notice of appeal to be timely under CITY OF HOUSTON BUILDING CODE, § 112.3, it must be delivered to the City Secretary within ten days "**after** the date that the written decision of the board is mailed to the appellant by the board secretary", in this case, Saturday, November 14, 2009.² It is not necessary for you to also re-duplicate all of the documents you filed with the City Secretary on November 3, 2009. At your option, the documents you have previously filed can be used in any timely appeal to City Council.

I tried calling you about this yesterday and left a message on your voice-mail. If there is any question, my direct-dial number is 832.393.6454. Thank you for your courtesy and for your prompt attention to this correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read "Bertrand L. Pourceau, II", is written over a horizontal line. The signature is stylized and cursive.

Bertrand L. Pourceau, II
Sr. Assistant City Attorney

attachments:

CC: Anna Russell, City Secretary
Marty Stein, Agenda Director

ashy.702

² Please note that the City of Houston Code of Ordinances § 1-2(a), "Computation of Time," extends the time for giving a notice is extended only where the deadline day falls on "a Sunday or a legal holiday on which city offices are closed". It does not appear that this exception would apply to Saturday, November 14, 2009.

**Appeal by
Maryland Manor Associates/Buckhead Investment Partners, Inc.
To City Council
City of Houston, Texas**

**1717 Bissonnet: Denial of Building Permit
November 5, 2009**

I. Appeal & Background

Maryland Manor Associates/Buckhead Investment Partners, Inc. ("**Buckhead**") appeals to Houston City Council ("**Council**") the refusal of the General Appeals Board ("**GAB**") to overrule the City's denial of a building permit for site work and foundation (the "**Permit**") for Project No. 07042588 (the "**Project**") as presented in Buckhead's application dated April 7, 2009 (the "**Application**").

The sole basis for the denial is the City Engineer's refusal to issue a driveway permit under the City's Driveway Ordinance (Code § 40-86). The City Engineer determined that if the Project generates more than 120 PM peak hour trips, then it will "excessively interfere" with Bissonnet Street, which provides the sole access to the Project through a single driveway. That determination was based on the alleged negative impact of the Project on the Bissonnet/Shepherd intersection almost ½ mile west of the driveway in question. The City Engineer required the Project be changed in use and/or reduced in density from the original form (producing 184 PM peak hour trips) to another form producing no more than 120 PM peak hour trips, to receive a driveway permit. Having received 10 prior rejections of the Application, Buckhead was skeptical any permit would be approved, but, under protest, Buckhead submitted an eleventh application. It was for a building virtually identical to that in the Application, except that the uses delineated for the Project were changed in order to ensure that the Project did not generate more than 120 maximum PM peak hour trips. In fact the City Engineer approved a driveway permit for the revised Project and the City offered to issue a building permit.

Believing the City acted outside its legal authority under State law, the City Building Code and the City Driveway Ordinance, and that the City acted arbitrarily and unreasonably in requiring the Project's uses to be changed in order to achieve a reduction of 64 PM peak hour trips as a condition to obtaining the driveway permit, Buckhead appealed the Application, which is the last permit application by Buckhead submitted for the Project with its originally intended scope of uses.

The GAB heard the first level appeal by Buckhead. The GAB is an appointed administrative appeals body, primarily constituted of Houston citizens with professional knowledge and experience in the building industry. Most members are licensed professionals, either engineers or architects. Their job is to consider administrative appeals from decisions under the City Building Code, with the right to uphold or reverse the decisions of City Staff. In addition to the private citizens, two City employees sit on the Board. It was only due to the participation and negative vote of these two members, Robert Buck of the Public Works and Engineering Department, and Rob Clifton of the Fire Department, that Buckhead's appeal was denied by the GAB. The motion by Commissioner Edward E. Campbell, seconded by Commissioner Debra Y. Davis to approve Buckhead's appeal, was denied by a 3-2 vote. A majority of the three private sector members voting on the appeal, each of which is a licensed engineer, supported Buckhead's position. Only the negative vote by two City employees upheld the City Engineer's position, thus requiring this further appeal to City Council.

II. Buckhead's Objections to the City Engineer's Actions are Compelling

Buckhead's appeal has three components, each outlined in detail in Buckhead's pleadings made a part of the record, and in Buckhead's presentation to the Board:

1. Vested Rights. The City violated Buckhead's rights under TEX. LOC. GOV'T CODE Chapter 245 which entitles Buckhead to require the City to apply to the Project only City regulations in place

on the date of its first application in the development process (July 30, 2007). In fact, the City has administratively, and in violation of Buckhead's statutory vested rights, "reinterpreted" the Driveway Ordinance as a traffic ordinance which permits the City to require development projects to modify their uses and/or density in order to achieve City approval.

The City may not do indirectly, what it can't do directly...change the rules.

2. Unreasonable Interpretation. In two aspects, the City has unreasonably interpreted the Driveway Ordinance, inconsistent with a fair reading of its text and historic application:
 - First, where a property is served by a single driveway, the "excessive interference" standard used by the City does not apply. The consequence of the City rejecting a permit for a single drive providing necessary access is a total denial of access, which is an unconstitutional taking of private property without compensation (and thus tantamount to a condemnation).
 - Second, if the City can regulate a single driveway necessary for reasonable access, that authority is limited to the characteristics of the proposed driveway (location, width, etc.) and its interaction with the portion of the street to which it connects which is adjacent to the project. Traffic issues further away from the driveway or on other streets is not a relevant issue for a driveway permit. Here, the City Engineer's sole basis for rejection of the driveway permit was concerns with the intersection of Bissonnet and Shepherd, approximately 1/2 mile west of the proposed driveway.
 - The Driveway Ordinance has never been interpreted in this manner before 1717 Bissonnet.

Both interpretations are unreasonable.

3. The determination of "excessive interference" was arbitrary and unreasonable. The City approved the Project with 120 PM peak hour trips, yet rejected the same structure with 184 PM peak hour trips, without any rational basis under accepted traffic engineering science. Buckhead provided three of the most qualified traffic engineers in the State to meet with the City Engineer in support of their position based upon current traffic engineering science that there is no demonstrable impact in Bissonnet by increasing PM peak hour trips by 64. The City did not obtain a third party traffic impact analysis. The City would not permit Buckhead's traffic engineers to meet with any traffic engineers on the City's staff (the City Engineer is not a traffic engineer), even denying access to Ray Chong, the City's Traffic Czar, who initially approved the Project, but later withdrew that approval pending additional information (subsequently provided by Buckhead). The City Engineer's "excessively interferes" determination is based upon a single traffic count showing a spike in Bissonnet traffic of 11% year to year. Buckhead's traffic experts consider that reading an anomaly, as it is inconsistent with counts taken by Buckhead's team in the same period. Buckhead's counts are consistent with the assumptions in Buckhead's Traffic Impact Analysis of a 1 1/2% annual increase. Buckhead's experts believe that no qualified traffic engineer would rely upon a single anomalous data point to support the conclusion of excessive interference.

The City Engineer's determination that the addition of 64 PM peak hour trips would move the Project from an acceptable to an unacceptable status is arbitrary, capricious and unreasonable. Traffic engineering science does not support the City Engineer's determination.

In summary, the City Engineer should not be permitted to cram down the proposed uses or densities for a proposed real estate project without qualified traffic engineering expertise and legitimate data supporting a determination of excessive interference.

III. The City's Arguments are Not Supportable

The City's arguments at the Board public hearing in support of the City Engineer were as follows:

1. Although poorly drafted, the Driveway Ordinance can reasonably be interpreted to grant the City Engineer the following authority:
 - To deny a single driveway to a project even if that single driveway provides the sole reasonable means of access.
 - To consider the traffic impact of a proposed development on area intersections, specifically including ones approximately ½ mile from the driveway seeking to be permitted.
 - To exert heightened scrutiny upon certain projects (but not others).
 - To condition issuance of a driveway permit on the owner limiting uses and/or densities to a specific maximum peak hour trips.
 - To require an owner to prove to the City Engineer through a Traffic Impact Analysis that the proposed uses and density of a project will not exceed the peak hour trip maximum established by the City Engineer.
 - To deny a driveway permit based upon the City Engineer's professional engineering judgment that the peak hour trips generated by a proposed project will "excessively interfere" with the adjacent street, without the requirement for a traffic impact analysis generated by the City (whether internally or through a third party), and without permitting the owner to have access to the City's traffic engineering staff (but only the City Engineer).

According to the City Attorney, the historic interpretation of the Driveway Ordinance is irrelevant, the only issue is the City Engineer's determination. If the City Engineer has any rational basis for its determination of excessive interference, whether the basis used by the City Engineer or not, the City Attorney asserts that the City Engineer's denial of a driveway permit is unassailable.

The City Engineer and the City Attorney did not deny that the Driveway Ordinance has never been construed as it has in the denial of the Permit, rather, they say this irrelevant. The City Engineer and the City Attorney did not deny that no driveway permit has ever been restricted to a maximum number of peak hour trips. The City Engineer admitted a lack of information regarding the historic application of the Driveway Ordinance.

IV. Request for Reversal of the City Engineer's Determination

The Council may be uncomfortable with its appellate authority. However, all Council members are familiar with the City Planning Commission and have attended hearings where owners request variances from the City's Development Ordinance (Chapter 42). Buckhead's appeal to the GAB and on to Council is no different than a request to the Planning Commission for a variance. Council is vested in equitable authority to consider Buckhead's position, the City Engineer's position, the record from the GAB appeal and to make an equitable decision.

Although this City Council did not adopt the Driveway Ordinance (initially adopted in 1966 with substantially the same content, and re-codified in 1968 to substantially the same form that exists today), Council has the opportunity to make its voice heard regarding the City Engineer's current reinterpretation and application of the Driveway Ordinance as if it were a traffic ordinance. Council's rejection of the appeal is the equivalent of a stamp of approval of the City Engineer's reinterpretation and current application of the Driveway Ordinance as a disguised traffic ordinance.

Buckhead respectfully requests that its appeal be approved, that the City Engineer be directed to issue a driveway permit for the Project without limitation for peak hour trips, and that the Permit for the Project be issued in accordance with the Application.



Wilson, Cribbs & Goren, P.C.
Attorneys at Law

November 3, 2009

Via Messenger

Ms. Anna Russell, City Secretary
City of Houston
900 Bagby P101
Houston, Texas 77002

Re: **APPEAL TO CITY COUNCIL FROM GENERAL APPEALS BOARD** (the "Board") by Maryland Manor Associates/Buckhead Investment Partners, Inc. ("Buckhead") regarding the denial of Building Permit for Sitework and Foundation (the "Permit") for the proposed 23 story high rise mixed use project (231 residential units) at 1717 Bissonnet St., Houston, Texas, Dept. of Public Works & Engineering Project No. 07042588 (the "Project").

Dear Ms. Russell:

Pursuant to City of Houston Building Code Section 112.3, Buckhead appeals to the City Council the Board's 3-2 decision upholding the denial of the Permit. As you know, this is an appeal on the record of the Board's decision, therefore, we enclose the certified record which includes the following:

1. The argument and testimony of the October 22nd Public Hearing;
2. Buckhead's pleadings and documents submitted to and considered by the Board; and
3. Buckhead's PowerPoint presentation to the Board.

The City submitted no written pleadings or documents and did not make a PowerPoint presentation.

As has been the historic treatment of appeals from the Board to City Council, we respectfully request that this appeal be set for consideration at the next available City Council meeting, and request a reasonable amount of time to make a presentation and argument to the City Council based upon the record.

Attached is a summary of Buckhead's arguments in favor of granting the appeal. Since this appeal is limited to the record, we have taken the liberty of providing to each of the Mayor and Council Members a complete copy of this letter, its attachments and the record.

Very truly yours,



Reid C. Wilson

RCW/dms

Enclosures

G:\Clients\6427\002\General Appeals Board\Appeal to City Council\Letter re Appeal to City Council (11-3-09).doc

cc: Mayor Bill White
Councilmember Peter Brown, At Large Position 1
Councilmember Sue Lovell, At Large Position 2
Councilmember Melissa Noriega, At Large Position 3
Councilmember Ronald C. Green, At Large Position 4
Councilmember Jolanda Jones, At Large Position 5
Councilmember Toni Lawrence, District A
Councilmember Jarvis Johnson, District B
Councilmember Anne Clutterbuck, District C
Councilmember Wanda Adams, District D
Councilmember Mike Sullivan, District E
Councilmember M.J. Khan, District F
Councilmember Pam Holm, District G
Councilmember Edward Gonzalez, District H
Councilmember James G. Rodriguez, District I

Kevin Kirton
Matthew Morgan
Buckhead Investment Partners, Inc.



**Appeal by
Maryland Manor Associates/Buckhead Investment Partners, Inc.
To City Council
City of Houston, Texas**

**1717 Bissonnet: Denial of Building Permit
November 3, 2009**

I. Appeal & Background

Maryland Manor Associates/Buckhead Investment Partners, Inc. ("**Buckhead**") appeals to Houston City Council ("**Council**") the refusal of the General Appeals Board ("**GAB**") to overrule the City's denial of a building permit for site work and foundation (the "**Permit**") for Project No. 07042588 (the "**Project**") as presented in Buckhead's application dated April 7, 2009 (the "**Application**").

The sole basis for the denial is the City Engineer's refusal to issue a driveway permit under the City's Driveway Ordinance (Code § 40-86). The City Engineer determined that if the Project generates more than 120 PM peak hour trips, then it will "excessively interfere" with Bissonnet Street, which provides the sole access to the Project through a single driveway. That determination was based on the alleged negative impact of the Project on the Bissonnet/Shepherd intersection almost ½ mile west of the driveway in question. The City Engineer required the Project be changed in use and/or reduced in density from the original form (producing 184 PM peak hour trips) to another form producing no more than 120 PM peak hour trips, to receive a driveway permit. Having received 10 prior rejections of the Application, Buckhead was skeptical any permit would be approved, but, under protest, Buckhead submitted an eleventh application. It was for a building virtually identical to that in the Application, except that the uses delineated for the Project were changed in order to ensure that the Project did not generate more than 120 maximum PM peak hour trips. In fact the City Engineer approved a driveway permit for the revised Project and the City offered to issue a building permit.

Believing the City acted outside its legal authority under State law, the City Building Code and the City Driveway Ordinance, and that the City acted arbitrarily and unreasonably in requiring the Project's uses to be changed in order to achieve a reduction of 64 PM peak hour trips as a condition to obtaining the driveway permit, Buckhead appealed the Application, which is the last permit application by Buckhead submitted for the Project with its originally intended scope of uses.

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1. Although poorly drafted, the Driveway Ordinance can reasonably be interpreted to grant the City Engineer the following authority:
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 - To exert heightened scrutiny upon certain projects (but not others).
 - To condition issuance of a driveway permit on the owner limiting uses and/or densities to a specific maximum peak hour trips.
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Buckhead respectfully requests that its appeal be approved, that the City Engineer be directed to issue a driveway permit for the Project without limitation for peak hour trips, and that the Permit for the Project be issued in accordance with the Application.

**Appeal by
Maryland Manor Associates/Buckhead Investment Partners, Inc.
To General Appeals Board
City of Houston, Texas**

1717 Bissonnet: Denial of Building Permit

October 22, 2009

I. Executive Summary

Buckhead Investment Partners, Inc. ("**Buckhead**") appeals to the General Appeals Board ("**GAB**") the denial of a building permit for site work and foundation (the "**Permit**") for Project No. 07042588 (the "**Project**") as presented in Buckhead's application dated April 7, 2009 (the "**Appealed Application**").

Buckhead appeals because the City stated it would not approve the Appealed Application until the City Engineer approved the driveway permit required under the Driveway Ordinance (Houston Code of Ordinances Sec. 40-86). The City Engineer refused to issue the driveway permit, unless the Project was limited in use/density to generate a maximum 120 PM peak hour trips (rather than the 184 PM peak hour trips created by the Project as proposed in the Appealed Application). The City claims the ability to deny the driveway permit at 184 PM peak hour trips (and approve it at the reduced level of 120 PM peak hour trips), although the City never previously asserted that authority over any other development. Further, the City's sole objection was the impact of the Project on the Shepherd/Bissonnet intersection, approximately ½ mile west of the Project. The City approved a revised application by Buckhead dated August 4, 2009, submitted under protest, which modified the use/density of the Project to limit traffic generation to the mandated 120 PM peak hour trips. Thus, the City has clearly demonstrated that the only issue is number of peak hour trips, which Buckhead believes is not within the City's regulatory authority.

The City relies upon subsection (c)(3) of Sec. 40-86 (known as the "**Driveway Ordinance**") to deny the Appealed Application:

"Sec. 40-86. Permit for construction of driveways.

(a) No person shall construct, or cause to be constructed, any driveway connecting private property with a public street without first obtaining a written permit therefor from the city engineer.

(b) Upon receipt of an application for a driveway permit, the city engineer shall make a determination as to whether the driveway applied for is necessary to provide reasonable access to the private property consistent with the safety and convenience of the public, taking into account the following matters:

- (1) The nature and volume of traffic on the street on which the private property abuts.
- (2) The dimensions and type of construction of the street on which the private property abuts.
- (3) The effect that the passage of vehicles to and from the private property will have on the safety of the traveling public and on the movement of traffic in the street to which the driveway connects.

- (4) The use to be made of the private property.
- (5) The dimensions of the private property, and the type and location of improvements thereon or to be placed thereon.
- (6) The extent of the access which the private property has or will have to other public streets, if any.

(c) After making such determination, the city engineer shall grant or refuse the application in accordance with the following rules:

(1) He shall refuse to issue a permit for a single driveway opening unless it shall have been found to be necessary for reasonable access.

(2) If the application is for more than one driveway opening into the same premises, he shall allow no more such openings than the minimum number necessary to provide reasonable access.

(3) He shall refuse to issue a permit for any driveway opening as to which it has been found that the proposed use of the driveway would create an extraordinary traffic hazard or would excessively interfere with the normal use of the street right-of-way.

(4) Every permit issued shall specify the maximum width of the driveway opening for which the permit is granted and such width shall be no greater than the minimum necessary to provide reasonable access.

(5) If a permit is granted for more than one driveway opening into the same premises, it shall specify that each such opening shall be separated from the others by a distance of not less than 20 feet, and that an upright curb must be constructed along the edge of the area of separation next to the improved portion of the street."

Buckhead appeals for the following reasons:

- (1) the Driveway Ordinance (as re-interpreted by the City after the date of Buckhead's initial application) does not apply to the Project,
- (2) if it applies to the Project, the Driveway Ordinance does not apply to the aspects of the Project as asserted by the City because:

(a) the section asserted by the City (subsection c(3)) to deny the Appealed Application does not apply unless the City Attorney has first determined that the single Bissonnet drive serving the Project is not necessary to provide reasonable access to the Project (which was not the City Engineer's holding), and

(b) the Driveway Ordinance only regulates driveways by their impact on the immediate street right-of-way to which the new drive connects, not intersections with other streets, and

- (3) if it applies to the Project, the City's application was arbitrary, capricious and unreasonable, without support under current traffic engineering standards and practices.

II. The Driveway Ordinance (as re-interpreted by the City) Does Not Apply to the Project

Buckhead first applied for the Permit July 30, 2007. (There were other applications for other permits regarding the Project filed earlier by Buckhead, but for the purposes of this

appeal, Buckhead will consider July 30, 2007 as the date of first application.) As of that date, Buckhead was entitled to "vested rights" under the Texas Vested Rights Statute (TEX. LOC. GOV'T CODE Chap. 245) in the City of Houston's regulatory scheme applicable to the Project then in effect. No subsequently adopted regulation, whether by ordinance, rule, or interpretation is applicable to the Project. At that time, the City did not regulate density or use of real estate development projects, and specifically did not regulate maximum peak hour trips generated by new projects. No requirement (nor the basis for any requirement) existed for the City to require submission of a traffic impact analysis ("TIA"); however, the City had begun requesting TIAs, on a voluntary, trial basis, from cooperative developers as the City investigated the advisability of regulating traffic impact at some future time. Buckhead submitted a TIA (which was approved by the City's then Director of Traffic).

All approvals for the Permit were received by March 2008, other than the Driveway Permit. The sole basis for the City denying the Appealed Application (which was 10th in a series of 11 applications required to obtain City approval) was the City's desire to restrict the density/use of the Project and specifically, to limit the number of PM peak hour trips to 120. Because Buckhead was vested in the City's regulatory scheme as of July 30, 2007 (which did not include consideration of density/use or peak hour trip generation), there is no basis for denial of the Appealed Application. The Driveway Ordinance, as consistently interpreted by the City since its adoption in 1966 as Ord. No. 66-2195, 11-1-66 (codified as Sec. 40-86 in 1968), did not give the City the authority to regulate density/use or peak hour trips.

Buckhead accepts the application of the Driveway Ordinance to regulate the number, location, width and spacing of driveways, consistent with the City's historic interpretation thereof, aspects which are not the basis for the denial of the Appealed Application.

III. If the Driveway Ordinance is Applicable, It is Not Applicable as Asserted by the City.

A. The *Excessive Interference* Standard only Applies to Driveways Not Reasonably Necessary for Access.

A clear reading of the Driveway Ordinance shows that paragraph (c) containing the *excessive interference* standard asserted by the City to be violated by 184 PM peak hour trips applies only when the City Engineer has determined that the requested driveway is not necessary to provide reasonable access to the site (the initial determination required by paragraph (b)). The Project's only access is through the single Bissonnet driveway, with an emergency only access for public safety vehicles on Ashby. Obviously, the Bissonnet driveway is necessary to provide reasonable access to the site, as it is the only access. The City Engineer made no formal determination that the Bissonnet driveway was not reasonably necessary for access, but as the only driveway, it is obvious it is reasonably necessary to provide access. This is a critical determination, as only if the City Engineer determines that a drive is not necessary for reasonable access to the site, do the further limitations of paragraph (c) apply at all.

Surely, the City does not assert that after determining the sole driveway is reasonably necessary to provide access to a development site, the City may then deny access to that site unless the uses/density of the proposed project are limited to City specifications.

The City's application of paragraph (c) to the sole Bissonnet drive is unreasonable, not supported by a fair reading of the Driveway Ordinance and inconsistent with the City's prior interpretation and application.

B. The Ordinance Does Not Authorize Regulation based on Impact on Bissonnet Beyond the Driveway Connection at the Project.

If the City may adopt a radically new interpretation of the Driveway Ordinance and apply it to the Project regulating *excessive interference* to Bissonnet, even if the Bissonnet driveway is reasonably necessary for access to the site (which Buckhead denies), then the Driveway Ordinance's focus is limited to the impact of driveways from the Project to the immediate section of the adjacent street right-of-way; not up or down that street or on the impact on intersections with other streets. The clear language of the Driveway Ordinance (and its title) indicates that the regulatory concern is the performance of the new driveway itself, any *extraordinary traffic hazard* created by the new driveway, or any *excessive interference* with Bissonnet due to the new driveway. This interpretation is consistent with the Driveway Ordinance's focus on number, location, width and spacing of driveways. Thus, the single Bissonnet driveway may not be judged based upon impact upon other area streets such as Ashby, Dunlavy, Mandell, Shepherd, or Greenbriar, but only on Bissonnet. The City improperly denied the Appealed Application based upon its focus of the impact of the single Bissonnet driveway on Shepherd Drive, approximately ½ mile to the west, being the only intersection in the area with a Level of Service E rating (all others having higher ratings).

This unreasonable interpretation is not substantiated by the language of the Driveway Ordinance or the City's prior interpretation or application thereof. If the Driveway Ordinance only applies to the Bissonnet driveway's impact on Bissonnet, then there was no basis for the City to deny the Appealed Application.

IV. No Extraordinary Interference with the Normal Use of Bissonnet

Even assuming the Driveway Ordinance applies to the Project as asserted by the City to limit the density/use and the maximum peak hour trips (which Buckhead denies), the City has misapplied traffic engineering science in determining that 120 PM peak hour trips are the maximum permissible without the Project excessively interfering with the normal use of Bissonnet.

Buckhead voluntarily submitted a TIA prepared by Traffic Engineers, Inc., the preeminent traffic engineering firm in Houston, Texas. The TIA was signed and sealed by Dan Lynch, a licensed professional traffic engineer and former Assistant Director of Traffic Management for the City of Houston. It states unequivocally that the 184 PM peak hour trips generated by the Project would have no material or adverse impact upon Bissonnet. The City's then Director of Traffic Management, Raymond Chong, approved the TIA (which approval was withdrawn several weeks later by a letter requesting further data and clarification which was later provided). The TIA was revised three times to address City concerns, including those in the withdrawal letter. To ensure the TIA was correct, Buckhead retained 2 highly credentialed traffic engineers independent of Traffic Engineers, Inc., to critique this TIA, and they support its conclusion. The April 7, 2009 supplement to the TIA submitted with the Appealed Application addressed all legitimate traffic engineering science objections of the City to the Project.

As to the City's objection regarding the impact on Shepherd, the updated TIA concluded:

"The intersection of Bissonnet at Shepherd will operate at Level of Service E with or without this proposed development, whether the factor used is the correct factor, an arbitrarily selected higher factor, or combined factor that double counts certain uses. No mitigation is recommended."

The City did not provide to Buckhead any third party TIA, any written report generated by the City based upon traffic engineering science supporting the City's conclusion that 120 PM peak hour trips were the maximum allowable without creating "extraordinary interference" and did not permit Buckhead or its consultants to deal directly with any qualified traffic engineers on City's staff, but only with the City Engineer, who is not a traffic engineer. Buckhead's TIA, as supplemented and amended, is the only analysis based upon qualified traffic engineering science analyzing the traffic impact of the Project on Bissonnet. The only evidence of interference produced by the City was i) the Level of Service of the Shepherd/Bissonnet intersection (which level will not be reduced by the Project), and ii) a single aberrational traffic count on Bissonnet several blocks from the Project (which no qualified traffic expert would rely upon since it was an isolated data point and an anomaly in the midst of extensive historic traffic counts showing lower numbers). That single count was obtained by the City only after 9 submissions by Buckhead seeking the Permit and became the sole empirical basis for the City's dictated reduction in PM peak hour trips.

Buckhead has sustained its burden to demonstrate that the Project will not excessively interfere with the normal use of Bissonnet. The City has failed to provide any reasonable evidence of excessive interference which would be relied upon by a competent traffic expert.

V. Documents

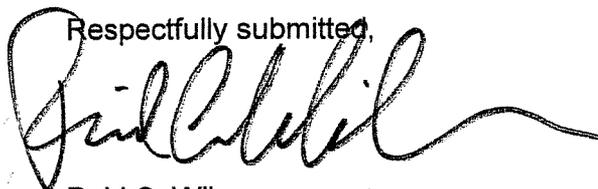
The following documents relevant to the appeal are available on Buckhead's website at www.buckfund.com, or in the City's files for the Project:

- 1 - Building Permit application/plans submitted 4/7/09 (full set in City's files - material portions can also be found on buckfund.com website)
- 2 - Denial of Building Permit application dated 7/22/09; and Memo from City Engineer received 7/14/09 establishing 120 PM peak hour trip requirement.
- 3 - Revised Building Permit application/plans submitted 8/4/09 (under protest)
- 4 - City Press Release dated 8/21/09 re: Approval of the 8/4/09 Application
- 5 - Traffic Engineers Inc. Traffic Impact Analyses and supplements/addenda
- 6 - City of Houston letter approving TIA dated 9/4/07
- 7 - City of Houston letter rescinding TIA approval dated 9/28/07
- 8 - Project Plan Check Status/Department review summary- history of the Permit

VI. Summary

If the GAB decides in Buckhead's favor on any point of appeal, the GAB must overrule the Building Official's rejection of the Appealed Application and direct that the Building Official approve the Permit without any limitation on maximum peak hour trips.

Respectfully submitted,



Reid C. Wilson

1717 BISSONNET – GENERAL APPEALS BOARD

Project No. 07042588

1. Building Permit application/plans submitted 4/7/09
(full set in City's files - material portions can also be found at www.buckfund.com)
2. Denial of Building Permit application dated 7/22/09; and
Memo from City Engineer received 7/14/09 establishing 120 PM peak hour trip requirement
3. Revised Building Permit application/plans submitted 8/4/09 (under protest)
4. City Press Release dated 8/21/09 re: approval of the 8/4/09 application
5. Traffic Engineers Inc. Traffic Impact Analyses and supplements/addenda
6. City of Houston letter approving TIA dated 9/4/07
7. City of Houston letter rescinding TIA approval dated 9/28/07
8. Project Plan Check Status/Department review summary - history of the Permit

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CITY OF HOUSTON

3300 Main, Room #2054
Houston, Texas

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET

HEARING DATE:

October 22, 2009, at 5:00 p.m.

A P P E A R E N C E S

HEARING OFFICER:

Reginald Mack

BOARD MEMBERS:

Debra Davis

Soloman Silva

Edwards Campbell

Scott Stelter

Rob Clifton

Robert Buck

ALSO PRESENT:

Evelyn Njuguna
City of Houston

Anthony Marre
Wilson, Cribbs & Goren, P.C.

Reid C. Wilson
Wilson, Cribbs & Goren, P.C.

Brandon Lynch
Keechi Creek Builders

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
OCTOBER 22, 2009

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A P P E A R E N C E S (Continued)

Tom P. Allen
City of Houston

Dan Lynch
Traffic Engineers, Inc.

Bertrand Porteau
City of Houston

Mark Loethen
City of Houston

John Mixon
Observer

Rod Haynie

Breck Powers
LBJ Construction

Allen Caudle
Vollmer Public Relations

Matthew Morgan

Kevin M. Kirton

Brian Surratt
Observer

Anne Mitchell
Observer

Tiffany Pino Cruse
Court Reporter

Various of other observers attended without providing

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A P P E A R E N C E S (Continued)

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Observer

Anne Mitchell
Observer

Tiffany Pino Cruse
Court Reporter

Various of other observers attended without providing
their names.

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OCTOBER 22, 2009

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GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
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4:59:31 PM 1

P R O C E E D I N G S

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3

4

THE CHAIR: The first order of business will be to review the previous meeting minutes. A motion will be accepted at this time.

4:59:37 PM 5

6

MR. SILVA: I move that they be accepted at this time.

7

8

9

MR. CAMPBELL: Second.

THE CHAIR: The motion to have the minutes -- the previous minutes be accepted. All those in favor?

4:59:43 PM 10

11

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14

(All Board members raised their hands.)

THE CHAIR: Those opposed?

(No response.)

THE CHAIR: The ayes have it.

4:59:50 PM 15

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THE CHAIR: Item Number 7, WC --

Wilson -- Wilson, Cribbs & Goren, P.C. It's Maryland Manor Associates/Buckhead Investment Partners, Inc.,

1717 Bissonnet, Houston, Texas, Driveway Permit issue.

Appeal, City of Houston Project Number 70 -- that should be 07, right? It's not 70, is it? It's 07? 7 --

7042 --

MS. NJUGUNA: 07.

5:08:54 PM 25

MR. CAMPBELL: 07.

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
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5:08:54 PM 1

THE CHAIR: That's 07, right?

2

MR. CAMPBELL: Uh-huh. And then 042.

3

THE CHAIR: So it'd be 07402588?

4

MR. CAMPBELL: 0704 --

5:09:01 PM 5

THE CHAIR: Okay?

6

THE REPORTER: I got it.

7

MR. CAMPBELL: 0704.

8

THE CHAIR: Huh?

9

MR. CAMPBELL: 0704, I think.

5:09:09 PM 10

THE CHAIR: Okay. 0704 -- I got it. All
11 right. Okay. I got it. Okay.

12

Okay. Mr. Loethen, do you have that one

13

too?

14

MR. LOETHEN: Yes, sir, I do.

5:09:17 PM 15

THE CHAIR: Okay.

16

MR. LOETHEN: Do you want the Applicant
17 to go first or...

18

THE CHAIR: No. We always let the City

19

go first.

5:09:26 PM 20

MR. LOETHEN: Very good, sir.

21

The Applicant has requested -- has
22 appealed to the Court of Appeals for the denial of the
23 Driveway Permit --

24

THE CHAIR: Excuse me, just one second.

5:09:33 PM 25

Do they have to be sworn in?

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
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5:09:38 PM 1

MS. NJUGUNA: If they're testifying,
2 yeah.

5:09:42 PM 5

3 THE CHAIR: Okay. Before we -- before we
4 get started, anybody testifying in this particular issue
5 will need to be sworn. Make sure the court reporter has
6 your name. And if you-all stand up, she will swear you
7 all in.

5:09:47 PM 10

8 THE REPORTER: Okay.
9 THE CHAIR: Even if you think you're
10 going to testify, and may not, you know, it's okay.

11

11 THE REPORTER: Raise your right hand for
12 me.

13

(The witnesses were sworn in.)

14

14 THE CHAIR: Okay.

5:10:06 PM 15

15 MR. LOETHEN: The project located at
16 1717 Bissonnet, which was applied as a 23 high --
17 23-story high rise building located at the intersection
18 of Ashby and Bissonnet, applied for a Driveway Permit in
19 connection with a foundation and site-work permit. The
20 denial is being requested -- excuse me -- for and
21 application dated April of 2009.

5:10:24 PM 20

22 The basis for the application is
23 supplied. And the appeal was that the City's Ordinance
24 40-86 does not apply. 40-86 is an ordinance related to
25 Driveway Permits and is outlined in Section 3110 of the

5:10:47 PM 25

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
OCTOBER 22, 2009

5:10:48 PM 1 Building Code Amendment. And is the basis for issuance
2 of Driveway Permits. So it -- we are of the opinion it
3 is applicable.

4 They have requested -- or stated that the
5 requirements of 40-86 were met and that a permit should
6 be issued. The project, as proposed, increased -- or
7 projected an increase in traffic volumes on Bissonnet of
8 184 peak hour trips. It was determined that that was
9 not an acceptable level of interference being the --
5:11:00 PM 10 excuse me -- acceptable level of traffic impact on the
11 adjacent street roadway, Bissonnet Drive, which is the
12 point where the driveway will terminate.

13 And, as such, we denied the permit
14 application.

5:11:37 PM 15 THE CHAIR: Okay. Questions from the
16 Board?

17 (No response.)

18 THE CHAIR: I'm going to ask a question.
19 From my reading the documents, it appeared that the
5:11:51 PM 20 difference here is from 184 to 120?

21 MR. LOETHEN: The project currently has
22 been approved for a permit with a projected peak --
23 they -- with a projected peak hour of 120 trips.

24 THE CHAIR: Okay.

5:12:06 PM 25 MR. LOETHEN: A -- a reduction from the

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
OCTOBER 22, 2009

5:12:06 PM 1 original proposal of 184.

2 *THE CHAIR:* And can you tell me a little
3 bit, how -- I -- I was always trying to figure out -- I
4 know the issues about the Driveway Permit, but how do
5:12:15 PM 5 you -- how does the City control the amount of traffic
6 that is -- well, how do you come up with this peak trip
7 calculation, I guess that's what I'm asking.

8 *MR. LOETHEN:* Peak trip hours are
9 generated by industry standards for the -- what's called
5:12:29 PM 10 ITE, the Institute of Transportation Engineers. For
11 varying land uses, there are estimated trip generation
12 rates for what are daily, as well as a.m. and p.m. peak
13 hour.

14 *THE CHAIR:* Okay.

5:12:41 PM 15 *MR. LOETHEN:* Depending on the land use.
16 And in many cases, it is based on the number of units or
17 the number of square footage, in case of retail space.
18 And based on the traffic analysis -- the impact analysis
19 that the Applicant provided what their project, and the
5:12:54 PM 20 analysis they did of the surrounding roadway network, we
21 determined that 184 p.m. peak hour trips would interfere
22 with normal operation, currently experienced on
23 Bissonnet.

24 *MR. CAMPBELL:* One question. I guess --
5:13:09 PM 25 I think that's what you're trying -- what is the

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
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5:13:11 PM 1 physical impact on the project to go from 184 to 120?
2 What is the --

3 MR. LOETHEN: They have not changed the
4 footprint of the building. And the permit that has
5:13:20 PM 5 currently been approved, at this point in time, they've
6 reduced the usage in the building. They have, I
7 believe, reduced the number of residences and
8 converted -- eliminated some retail space and/or office
9 space to decrease the projected number of trips being
5:13:36 PM 10 generated.

11 THE CHAIR: So you're saying that it has
12 been done?

13 MR. LOETHEN: They --

14 THE CHAIR: Or is that --

5:13:40 PM 15 MR. LOETHEN: They do have --

16 THE CHAIR: -- the plan?

17 MR. LOETHEN: They have received a --
18 approval for a Building Permit. They have not purchased
19 that permit at this time. But they do have a permit
5:13:48 PM 20 approval at this point in time.

21 MR. SILVA: So the only thing that is not
22 approved then is a driveway?

23 MR. LOETHEN: The -- at this point in
24 time, they have all their approvals necessary to
5:13:58 PM 25 purchase the Sitework and Foundation Permit.

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
OCTOBER 22, 2009

5:14:03 PM 1

MR. SILVA: But the sidewalk -- the --
2 the Driveway Permit, it's based on 120?

3

MR. LOETHEN: Yes.

4

5:14:15 PM 5

MR. SILVA: So the -- it's review --
6 it -- it's predicated that they re- -- they build only
7 what --

7

MR. LOETHEN: That's correct.

8

MR. SILVA: -- is generated?

9

5:14:15 PM 10

MR. LOETHEN: They -- they submitted a
11 revised set of plans that reduce the intent of the
12 building, such that it would only generate, based on
13 their projection, 120 peak hour trips.

13

14

Based on that, we recommended approval of
14 a Driveway Permit to the Building Official.

5:14:32 PM 15

15

16

THE CHAIR: Okay. All right. I'm -- I'm
16 -- I'm -- we're absorbing.

17

18

Okay. If I understood you correctly, you
18 said the Applicant has reduced the building design --

19

MR. LOETHEN: Uh-huh.

5:14:48 PM 20

20

21

THE CHAIR: -- that will match, what,
21 120 --

22

MR. SILVA: Peak hour --

23

THE CHAIR: -- peak hour trips.

24

5:14:58 PM 25

25

MR. LOETHEN: They have reduced the use
of the building, such that the -- the trips generated

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
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5:14:58 PM 1 from the mixed use as proposed instead of 184 will be
2 120 peak hour trips.

3 THE CHAIR: Okay. So then you are not
4 the Objector?

5:15:08 PM 5 MR. SILVA: No.

6 THE CHAIR: You're -- you're not
7 objecting the -- the release of the Driveway Permit?

8 MR. LOETHEN: No. What the appeal is
9 for, is for a submittal that was made back in April
5:15:19 PM 10 of 2009, a prior submittal for which we denied a
11 permit.

12 Subsequent to that, they revised their
13 building configuration and brought back to us a reduced
14 building, traffic volume generated issues.

5:15:33 PM 15 THE CHAIR: Oh, okay.

16 MR. LOETHEN: And we were able to
17 recommend for approval a Driveway Permit.

18 THE CHAIR: Okay.

19 MR. SILVA: So what they're objecting is
5:15:39 PM 20 that they want to go back to the original design?

21 MR. LOETHEN: That's correct.

22 MR. SILVA: And -- and -- and we need to
23 approve it.

24 THE CHAIR: Okay. I see. Okay.

5:15:47 PM 25 Okay. Anybody who's going to -- the

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
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5:15:49 PM 1 Applicants that have -- have made the appeal, could you
2 state your name and your relationship with the project?

3 MR. WILSON: Let me get set up over here.

4 THE CHAIR: Okay. Yes. Any -- anywhere
5 you like.

6 MR. WILSON: Let me get as close as I can
7 here.

8 My name is Reid Wilson.

9 THE CHAIR: All right.

5:16:01 PM 10 MR. WILSON: And I am representing the
11 Applicant. And I think the City Engineer set it up
12 quite well.

13 *(An overhead presentation is started.)*

14 MR. WILSON: This is the project
5:16:13 PM 15 (indicating). This is a 23-story high-rise building on
16 Bissonnet and Ashby. And this project has been in the
17 paper a good bit. People call it the Ashby Highrise.
18 We call it 1717 Bissonnet.

19 And a Driveway Permit is required as part
5:16:32 PM 20 of the building plan. And the City Engineer explained
21 that. And the City Engineer refused to issue a permit
22 for this project unless the project was limited in use
23 and density to produce not more than 120 maximum -- 120
24 p.m. peak hour trips, which was down from the original
5:16:55 PM 25 that would have proposed 184. So we're talking about 64

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
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5:17:01 PM 1 peak hour trips. That's the issue.

2 And what -- this is the site plan for the
3 last of the applications (indicating) that was denied,
4 before the one that I'll -- I'll talk about in just a
5:17:16 PM 5 minute. And there is a -- a single point of access, up
6 here on Bissonnet (indicating). And over here
7 (indicating), this is not public access, but this is an
8 emergency access, which was recommended for fire and
9 emergency safety.

5:17:36 PM 10 So all of the ingress and egress goes
11 here (indicating) on this -- at this central location
12 (indicating).

13 As was initially proposed by the
14 Developer, there were going be three points of access,
5:17:51 PM 15 public access and coded access. One, here on Ashby
16 (indicating) and two up here (indicating), and one here
17 (indicating), and one here (indicating).

18 And through the ten different
19 applications and rejections, this was what was finally
5:18:06 PM 20 denied by the City (indicating).

21 Let's go to the next slide to show you
22 the location.

23 *(The visual presentation was moved to a*
24 *new slide.)*

5:18:17 PM 25 MR. WILSON: This is the location of the

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
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5:18:17 PM 1 1717 Bissonnet property (indicating), on Bissonnet,
2 Main Street's over here (indicating), Shepherd Drive
3 over here (indicating), South Hampton addition is down
4 here (indicating).

5:18:27 PM 5 This project is not located within South
6 Hampton addition. This project is located on a piece of
7 property that has always been commercial or multifamily
8 residential and is not deed restricted.

9 This area over here (indicating) is
5:18:43 PM 10 South Hampton. This area is not South Hampton. It is
11 a -- a, like, a different subdivision. This area
12 (indicating) is -- is a numbered -- a different
13 subdivision's generally called Boulevard Oaks.

14 *(The visual presentation was moved to a*
5:18:57 PM 15 *new slide.)*

16 MR. WILSON: This is the rejection by the
17 City of the application that we are appealing. And the
18 language here reads that: A significant reduction in
19 the peak hour trips, including appropriate trip -- what
5:19:21 PM 20 is that?

21 Tony, do you have that?

22 MR. MARRE: Offsets.

23 MR. WILSON: Can -- can you -- can you
24 just read it for us?

5:19:23 PM 25 MR. MARRE: Including appropriate trip --

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
OCTOBER 22, 2009

5:19:23 PM 1 trip offsets, could have potential to address heightened
2 LOS, Level of Service concerns at Shepherd/Bissonnet
3 intersection.

4 THE CHAIR: Uh-huh.

5:19:36 PM 5 MR. WILSON: So what happened is this --
6 this application was rejected because the City was
7 requiring that the use or density of the building be
8 reduced.

9 MS. NJUGUNA: Uh-huh.

5:19:49 PM 10 MR. WILSON: And this was the rejection.
11 Subsequently, there were discussions with
12 the City. And the City provided some additional
13 guidance.

14 THE CHAIR: One question.

5:19:58 PM 15 MR. WILSON: On this memo --

16 THE CHAIR: Does it say who that -- where
17 did that come from? Or who told you that rejection?
18 Who was the person or what --

19 MR. MARRE: This one right here
5:20:11 PM 20 (indicating)?

21 THE CHAIR: Yes.

22 MR. LOETHEN: This? That is my
23 rejection.

24 THE CHAIR: That's coming from you?

5:20:13 PM 25 Okay. All right. That's Mr. Loethen. All right.

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5:18:57 PM 1

(The visual presentation was moved to a
new slide.)

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MR. WILSON: And then the next was
delivered to the Developer by the City. And it -- and

5:20:22 PM 5

6

what it says is that 120 peak hour trips would be
acceptable.

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So, at this point, the Developer had been
through ten application -- ten applications that have
been rejected. And the sole issue was the amount of
traffic, allegedly, generated by the project. And the
City made it clear that they would not approve anything
over 120 peak hour trips.

5:20:40 PM 10

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So, at that point, the Developer made an
11th application, under protest. And, as a result -- go
to the next.

5:21:02 PM 15

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(The visual presentation was moved to a
new slide.)

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19

MR. WILSON: This is a press release by
the City. We appreciate the fact that they announced
this to the public, that the 1717 Bissonnet project,
with the reduced use in -- in density, was approved by
the City.

5:21:11 PM 20

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So what does that tell us? What that
tell us is that the only issue that was before -- that
is before us today is the difference in 184 p.m. peak

5:21:34 PM 25

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5:21:36 PM 1 hour trips, which was rejected in the tenth application,
2 and 120 p.m. peak-hour trips, which was approved by the
3 City.

4 This -- this approval is not acceptable
5 to the Developer. It was submitted under protest. It
6 has not been accepted and that's the reason we have not
7 pulled the permit.

8 We are here because we do not think the
9 City has the authority to limit use and density under
5:22:02 PM 10 the guise of the application of a Driveway Ordinance.
11 And we're simply requesting that the permit that was
12 submitted in the tenth application be approved without
13 any limitation.

14 All right. Let's go to the next slide.
5:22:18 PM 15 *(The visual presentation was moved to a
16 new slide.)*

17 MR. WILSON: The reason that we're here
18 before the General Appeals Board is because, as the
19 City Engineer mentioned, the Building Code says that
5:22:28 PM 20 there needs to be a driveway approval by the
21 City Engineer. And if that approval is given, then you
22 can proceed and get a Building Permit.

23 The Building Permit that was requested
24 was for the foundation and sitework. And I'd like to
5:22:45 PM 25 point out some of the language in here and we've

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5:22:47 PM 1 underlined it (indicating.) It says that: Upon an
2 application, then the building official would refer it
3 to the City Engineer for a review, pursuant to the
4 guidelines set forth in Section 40-86. That's the
5:23:02 PM 5 City's Driveway Ordinance. As to whether the driveway
6 applied for is necessary to provide reasonable access.
7 This is something I'll come back to. And after that
8 determination, then the -- the building official is to
9 issue the permit.

5:23:17 PM 10 So that's why we're here before the
11 General Appeals Board, because you are the appellant
12 body that hears administrative appeals when there's a
13 denial of a permit.

14 Now, let's go forward and talk about
5:23:32 PM 15 Section 40-86.

16 *(The visual presentation was moved to a*
17 *new slide.)*

18 MR. WILSON: This is the Drive Ordinance
19 for the City of Houston (indicating). Essentially, this
5:23:38 PM 20 text has been in place, the substance, since 1966. It
21 was codified in 1968. It's had some changes from time
22 to time. But essentially, it has been substantively the
23 same since 1966. So we have a whole lot of history
24 about the -- this particular ordinance.

5:24:00 PM 25 And what I'd like to point out right now

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5:24:04 PM 1 is that you have to have a Driveway Permit to put in a
2 driveway. Okay. We're all with that. That's A.

3 B, what happens when there is an
4 application is the City Engineer, who's here, makes a
5:24:17 PM 5 determination as to whether that driveway -- or the
6 driveway that's applied for are necessary to provide
7 reasonable access to the property. And then it goes
8 into a series of six different issues to consider, which
9 are physical characteristics of the property and
5:24:36 PM 10 physical characteristics of the street.

11 Then after making that determination, the
12 City Engineer would then apply these following rules.
13 And the first one relates to -- that the City Engineer
14 will: Refuse to issue a permit for a single driveway,
5:24:53 PM 15 unless it has been found to be necessary for reasonable
16 access.

17 Now, don't you love the way that the City
18 writes it's ordinances, in the negative. So what that
19 says is that if you have a single driveway, and it's
5:25:10 PM 20 necessary for reasonable access, you get a permit. It
21 seems simple to me.

22 Down here, under C3 (indicating) is where
23 the City has made its decision that the permit will not
24 be issued. And their -- the City Engineer has said that
5:25:29 PM 25 the permit would provide a: Driveway opening that would

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5:25:33 PM 1 excessively interfere with the normal use of the street
2 right-of-way.

3 I'd like to point out that it isn't just
4 an interference. Interference is conflict. It's an
5 excessive interference. So only when it excessively
6 interferes does the City Engineer have the right to deny
7 a Driveway Permit.

8 *(The visual presentation was moved to a*
9 *new slide.)*

5:26:00 PM 10 MR. WILSON: We have three bases for our
11 appeal. Number one, we believe that the City has
12 improperly reinterpreted the Driveway Ordinance, in lieu
13 of amending the Driveway Ordinance, and has in effect,
14 turned the Driveway Ordinance into a Traffic Ordinance.

5:26:19 PM 15 And we have vested rights under Texas law
16 in the regulatory scheme of the City of Houston on the
17 date that our application was submitted. And as of that
18 date, this ordinance had never, not since 1966, ever
19 been interpreted as a traffic ordinance. So that's
5:26:40 PM 20 number one.

21 Number two, we think that the way the
22 City is applying this ordinance is improper. We believe
23 that, if you determine that a single driveway is
24 necessary for reasonable access, then you may not deny
5:26:59 PM 25 that -- that driveway.

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5:27:03 PM 1

Third, we think that if you are going --
2 if the City is going to review a driveway, it is to
3 review the impact on the street to which the driveway's
4 connected and is to look at the interaction between the
5 driveway -- the mechanics of the driveway, the
6 characteristics of the driveway and the street. Not to
7 overreach and go half a mile away and try to find some
8 reason that they can deny the permit.

5:27:22 PM 5

9

5:27:38 PM 10

Thirdly, we believe that even if the City
11 can apply the ordinance the way it wants to apply it to
12 all the items that it says are within the ambit of this
13 ordinance, that it was unreasonable and without any
14 basis in sound traffic engineering science to make the
15 determination that the additional 64 peak hour trips
16 would have any impact at all on Bissonnet or the
17 surrounding streets.

5:27:59 PM 15

17

So I'd like to go through these -- these
18 various reasons for appeal.

19

5:28:12 PM 20

*(The visual presentation was moved to a
21 new slide.)*

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MR. WILSON: The State of Texas has a
25 statutory concept of vested rights. The idea of vested
rights is that the owner of property, when they file the
application for the first in a series of development
permits, has the right to expect that the regulatory

5:28:27 PM 25

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5:28:31 PM 1 scheme will not be changed. It's just a basic fairness
2 concept.

3 So the app -- the first application for
4 1717 Bissonnet was July 30th, 2007. 2007, that was a
5:28:50 PM 5 long time ago. The approvals that related to anything
6 other than the driveway were granted by March 2008, also
7 a long time ago.

8 The City has read Chapter --
9 Section 40-86, as if it was a Traffic Ordinance saying
5:29:13 PM 10 that the City has the right to restrict uses and density
11 of new development as condition to issuing a
12 Driveway Permit. That is a radical reinterpretation of
13 an ordinance that's been around since 1966.

14 And it is not appropriate for the City to
5:29:37 PM 15 create a new law without going through formalities. To
16 just say that they are reinterpreting a law is a
17 violation of the vested right that Buckhead Investment
18 Partners have. Because prior to this project, the City
19 of Houston has never said that it could regulate the
5:29:54 PM 20 density or the use of a -- of a real estate
21 development.

22 It has never said that it can regulate
23 maximum peak hour trips. It is never required a traffic
24 impact analysis. This is not a Traffic Ordinance. The
5:30:10 PM 25 City has been considering a Traffic Ordinance. But it

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5:30:15 PM 1 has determined it's not going to adopt one.

2 So, you know, this is not a proper manner
3 for the City to deny a building permit.

4 Now, one of the things that the City did
5 is this is a proclamation or, I guess, it's not exactly
6 an educt, I'm not sure what you would call it. This
7 came out of out mayor -- Mayor Bill White's office,
8 February 27, 2008. And it deals with Chapter 40-86.
9 And -- let's go to the next page.

5:30:48 PM 10 *(The visual presentation was moved to a*
11 *new slide.)*

12 MR. WILSON: And it says that: Projects
13 meeting the following criteria will be subject to more
14 intense scrutiny of their potential impact on public
5:30:57 PM 15 safety and traffic in particular. And low and behold,
16 you look at these three, it applied to 1717 Bissonnet.

17 We think this is an appropriate attempt
18 by the City to do something informally that it cannot do
19 formally. Because Buckhead Investment Partners was
5:31:18 PM 20 vested in the City's long held regulatory scheme, as to
21 the approval of Driveway Permits as of July 30, 2007,
22 there is no basis for the City to deny the permit that
23 has been requested.

24 It has been -- the City has been very
5:31:36 PM 25 consistent in applying Section 40-86, since 1966, until

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5:31:43 PM 1 this project came on the scene. That's our first basis
2 for appeal.

3 (The visual presentation was moved to a
4 new slide.)

5:31:49 PM 5 MR. WILSON: Our second basis for appeal
6 is that the Driveway Ordinance is not applicable in the
7 manner in which the City has asserted it. There's two
8 reasons for that. Number one is that when you have a
9 single driveway, we do not believe that the City can
5:32:08 PM 10 deny a permit for access.

11 Section C says: After making such
12 determination -- and that is the determination about
13 whether or not this drive is necessary for reasonable
14 access -- the City Engineer shall grant or refuse the
5:32:25 PM 15 application in accordance with the following rules. And
16 then it talks about the issue of -- of excessive
17 interference.

18 But the first subheading here says:
19 He -- the City Engineer -- shall refuse to issue a
5:32:41 PM 20 permit for a single driveway, unless it shall have been
21 found to be necessary for reasonable access. If you
22 have one driveway, it is necessary for reasonable
23 access.

24 So I read this that if you have a single
5:32:57 PM 25 driveway, and it's necessary for access to your

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5:33:00 PM 1 property, the City's got to give you that
2 Driveway Permit. I mean, maybe they can say: We'd like
3 you to move it over here. Maybe they'd like to say:
4 We'd like to make it a little wider, a little narrower.
5:33:08 PM 5 But they've got to give you access to your property.

6 Now, the City Engineer, as best as we can
7 tell, has made no formal determination. But I think it
8 is obvious that when you have a single point of access,
9 that that is reasonably necessary. And surely the City
5:33:32 PM 10 of Houston, after determining that a single driveway is
11 reasonably necessary to provide access, would not deny
12 access unless an owner modifies the use or density of a
13 proposed real estate development project. That can't
14 possibly be the rule here in the City of Houston.

5:33:53 PM 15 And that is certainly not authorized from
16 the existing regulatory scheme. So we believe that the
17 application of subsection C3, which is the excessive
18 interference to a single driveway is unreasonable, is
19 contrary to a fair reading of the Driveway Ordinance and
5:34:16 PM 20 is inconsistent with the City's own historic
21 application.

22 Therefore, we would suggest that this
23 permit should be approved.

24 *(The visual presentation was moved to a
5:30:48 PM 25 new slide.)*

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5:34:32 PM 1

MR. WILSON: Further, we believe that if
2 you can apply the ordinance to this particular driveway,
3 that you need to be looking at the interaction between
4 the driveway and Bissonnet, not on other streets and not
5 on areas in the generalized neighborhood.

5:34:49 PM 5

6 And if you look at 40-86, which is in
7 your materials and, hopefully, you can read it up here
8 (indicating). In several places, it talks about: The
9 street on which the private property abuts. The street
10 on which the private property abuts. The street in
11 which the -- to which the driveway connects.

5:35:06 PM 10

12 This is a permit for a construction of
13 driveways. This is not a Traffic Ordinance. This is
14 not a regulation of use or density. And it is only
15 logical to apply the Driveway Ordinance to limit the
16 review by the City to the characteristics of the
17 driveway. How many driveways? Where are they going to
18 be located? How wide are they going to be? Those are
19 the kind of things that are really intended to be part
20 of that review.

5:35:22 PM 15

21 And also, how does it interact with the
22 portion of the street to which the driveway connects in
23 that locality? Not a quarter mile down the road. Not a
24 half mile down the road. Not 2 miles down the road.
25 Not 5 miles down the road. And not the impact of a

5:35:59 PM 25

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5:36:06 PM 1 project on some other street.

2 The City's denial of the -- the permit
3 was predicated upon a concern with Shepherd Drive and
4 the intersection of Shepherd Drive with Bissonnet about
5:36:24 PM 5 half a mile to the west. I showed that on an earlier
6 slide.

7 And they were concerned because that
8 particular intersection had a Level of Service E. E is
9 an acceptable, but not a preferable Level of Service.

5:36:40 PM 10 That means there's a certain amount of delay. You've
11 got A, B, C, D, E and F. F being the lowest, A being
12 the highest.

13 Level of Service E is an acceptable Level
14 of Service. That intersection is at that Level of
5:36:55 PM 15 Service today. The City is ready to issue a permit for
16 this project with an existing Level of Service.

17 And, you know, we were going to show you
18 that the difference between the project with 120 and 184
19 peak hour trips is not going to have any impact on that

5:37:17 PM 20 particular intersection. But the point is that that
21 focus is outside the authority granted by the Driveway
22 Ordinance.

23 So we would suggest that the City's
24 interpretation to allow the Driveway Ordinance to grab
5:37:33 PM 25 other streets and to look at areas of the -- of a

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5:37:39 PM 1 particular street removed from the project is
2 unreasonable, contrary to a fair reading of this
3 ordinance and inconsistent with the City's own prior
4 interpretation. And for that reason, we believe that
5:37:50 PM 5 the permit should be approved.

6 Finally, even assuming that the
7 Driveway Ordinance applies to this project, as it is
8 reinterpreted as a Traffic Ordinance, and it applies to
9 the single drive, which is necessary for reasonable
5:38:13 PM 10 access, and it applies to traffic impact in generalized
11 areas, not directly adjacent to the project, and it
12 permits the City to limit density and use and maximum
13 peak hour trips, we still believe that the City
14 misapplied basic traffic engineering science in making a
5:38:34 PM 15 determination that 120 p.m. peak trip hours is
16 acceptable and 184 p- -- p.m. peak hours is not. The
17 additional 64 p.m. peak hour trips will not have any
18 material adverse impact on the area of traffic.
19 Specifically, it will not have an adverse impact on the
5:38:54 PM 20 Shepherd intersection and it's Level of Service.

21 Now, how do we know that? Now, I'm a
22 lawyer, you know, how do I know that? I -- I feel like
23 I'm an expert in law.

24 *(The visual presentation was moved to a
5:30:48 PM 25 new slide.)*

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5:39:07 PM 1

MR. WILSON: Well, we asked an expert in
2 traffic engineering science, Dan Lynch. Dan is here.
3 He's going to provide his testimony.

4

5:39:15 PM 5

He has worked with the City. He has been
6 the head of Traffic Engineers Inc., which is the only
7 traffic engineering firm here in town. In essence, he's
8 the best in the business. And that's who we went to.
9 And we asked him to produce a Traffic Impact Analysis,
10 applying current traffic engineering science to

5:39:36 PM 10

11

determine whether or not there would be a material
12 impact of this project on Bissonnet. And his conclusion
13 is that there would not be.

14

15

*(The visual presentation was moved to a
new slide.)*

5:39:48 PM 15

16

MR. WILSON: This is the City's approval
17 of Mr. Lynch's analysis (indicating). And we really
18 appreciated that. Let's see what -- do you have the --

19

20

*(The visual presentation was moved to a
new slide.)*

5:39:59 PM 20

21

MR. WILSON: The proposed 23-story mixed
22 use development will have no adverse traffic impact on
23 the area street system nor the neighborhood. No
24 mitigation measures are required for the project.

25

Signed: Raymond D. Chong, PTOE, Deputy Director of
Traffic and Transportation Division.

5:40:14 PM 25

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5:40:16 PM 1

Then what happened?

2

*(The visual presentation was moved to a
new slide.)*

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4

MR. WILSON: Whoops, they pulled it back,

5:40:24 PM 5

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mysteriously. And it's interesting, because when the
City's traffic czar pulled this back, they asked for
some more information. And asked for a little more
analysis. All that was later supplied.

9

5:40:48 PM 10

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We never had the chance to meet with
Mr. Chong. Mr. Chong's no longer with the City.

There were three revisions of the TIA.

*(The visual presentation was moved to a
new slide.)*

5:41:03 PM 15

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MR. WILSON: This is the one that was
included in the application (indicating) that is
submitted.

*(The visual presentation was moved to a
new slide.)*

5:41:11 PM 20

21

22

23

24

MR. WILSON: The intersection of
Bissonnet at Shepherd will operate at Level of Service E
with or without this proposed development, whether the
factor used is the correct factor.

The City had recommended a -- a more
significant burden on the project than we thought was
appropriate, but we included that.

5:41:29 PM 25

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5:41:31 PM 1

An -- and any arbitrarily selected higher
2 factor, or a combined factor that double counts certain
3 uses. No mitigation is recommended.

4

5:41:42 PM 5

In other words, whether this project is
6 built, not built, whatever the factor that was applied,
7 this project would not have any impact on Bissonnet at
8 Shepherd, which was the only intersection that was of
9 concern to the City.

10

5:42:01 PM 10

Now, what did the City provide to the
11 Developer? Traffic Impact Analysis from a third-party
12 expert? No. City staff report, based upon traffic
13 engineering science, maybe an internal Traffic Impact
14 Analysis? No. Did the City permit the Developer to
15 meet with Mr. Chong? No.

5:42:25 PM 15

We were permitted to meet with the
16 City Engineer, a fine gentleman, a very experienced
17 engineer, but not a traffic engineer. We're only asking
18 for an additional 64 p.m. peak hour trips.

19

5:42:46 PM 20

The analysis produced by Mr. Lynch at
20 Traffic Engineers Inc., on behalf of the Developer is
21 the only scientific traffic engineering analysis of this
22 project.

23

24

*(The visual presentation was moved to a
new slide.)*

5:43:01 PM 25

MR. WILSON: The -- the only evidence of

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5:43:05 PM 1 interference that the City came up with was a level of
2 service at Shepherd/Bissonnet, Level of Service E, which
3 is an acceptable Level of Service, as evidenced by the
4 City's approval of the 120 peak hour trip project. So
5:43:23 PM 5 it's not a question of whether Level of Service E is
6 acceptable or not. The City's already on record on
7 that.

8 But the City noted that there was one
9 traffic count that the City had taken. One traffic
5:43:37 PM 10 count that they said showed there had been an 11 percent
11 increase in traffic from year to year.

12 Now, no qualified traffic expert would
13 rely on an isolated data point like that. That count is
14 clearly an anomaly. There had been a tremendous number
5:43:59 PM 15 of traffic counts since this project was proposed. And
16 it was out of line with all of those. And that
17 particular data point came up after nine submissions by
18 Buckhead and is the sole empirical basis for the City's
19 dictated reduction in p.m. peak hour trips.

5:44:24 PM 20 All right. One thing I would like to
21 mention is that -- let -- let's go back to the Traffic
22 Impact Analysis.

23 *(The visual presentation was moved to a*
24 *new slide.)*

25 MR. WILSON: We think Mr. Lynch is the

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5:44:36 PM 1 best in town. But when this project was put under the
2 microscope, we wanted to be sure. We wanted to get some
3 peer review.

4 So we went and looked for the best
5 traffic engineers, outside Houston, in the state. We
6 hired two, one from San Antonio, Dave Steitle. One from
7 Austin, David Hall. And we asked them to review
8 Dan Lynch's work and to critique it and to ensure that
9 it was appropriate and that it was consistent with the
10 highest standards of current traffic engineering
11 science. And they said: Yes, it -- yes, it did. And
12 they met with Mr. Lynch and the City Engineer to discuss
13 this matter.

14 So it's not that we have gotten a local
15 report. We have tried to make sure that we are
16 complying with the highest standards of scientific
17 inquiry, based on engineering -- traffic engineering
18 standards as the best we can -- that we can produce.

19 So we do not believe that there is any
20 technical basis to support a requirement that this
21 project be reduced in use and density from 184 units --
22 184 peak hour trips to 120 p.m. peak hour trips. And
23 there is no reasonable evidence that a qualified traffic
24 engineer would rely upon in issuing a Traffic Impact
5:46:17 PM 25 Analysis that would say that the additional 64 peak hour

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5:46:21 PM 1 trips would result in an excessive interference on
2 Bissonnet or it would have the result of reducing the
3 Level of Service at the Bissonnet/Shepherd intersection
4 from E to F.

5:46:35 PM 5 Now, I have given to each of you on the
6 Board a -- a binder of supplemental materials. And I
7 requested that the court reporter will take this as part
8 of our offered evidence, as part of our record in this
9 matter.

5:46:51 PM 10 THE CHAIR: (Moving head up and down.)
11 (APPELLANT'S exhibits were admitted.)

12 And in summary, if the GAB, General
13 Appeals Board decides in Buckhead's favor on any of
14 these elements that we have proposed or any of these
5:47:09 PM 15 points of appeal, then we request that you overrule the
16 building official's objection of the appealed
17 application and direct that the building official
18 approve the permit without any limitation on maximum peak
19 hour trips.

5:47:23 PM 20 At this point, what I'd like to do is to
21 have Mr. Lynch, who is the traffic engineer, provide
22 some testimony.

23 THE CHAIR: Okay.

24 MR. WILSON: I have the representatives
5:47:33 PM 25 of the Developer, Matthew Morgan and Kevin Kirton here,

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5:47:39 PM 1 who will be available to answer any questions. And I
2 would answer any questions if the Board has any
3 questions of me.

4 *THE CHAIR:* Thank you.

5:47:47 PM 5 Who's next?

6 *MR. PORTEAU:* Mr. Chairman, I was
7 wondering if I may address the Board. My name is
8 Randy Porteau, I'm the Chief of Business Litigation
9 Division, the City of Houston Legal Department. This is
5:47:56 PM 10 my first appearance before the Board. And my impression
11 was that the Board doesn't ordinarily hear jury
12 arguments. But that the Board listens to testimony of
13 the people who have been sworn to tell the truth.

14 And Mr. Wilson will be putting on those
5:48:17 PM 15 people in a few minutes, but I wanted to visit with you
16 first and I'll try to be much briefer.

17 I would like to -- and I -- the -- the
18 Board may already have a copy of Section 480 -- 40-86.

19 *THE CHAIR:* Just one thing before we --

5:48:37 PM 20 *MR. PORTEAU:* Yes, sir.

21 *THE CHAIR:* We're -- we're going to hear
22 out all the whole bunch of you guys, but I want to give
23 them a chance to finish. And then we'll come and we
24 will take into account all that you probably have to
5:48:43 PM 25 say. Unless there's something that you've got here to

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5:48:47 PM 1 say that the Board would not have the authority to
2 review, it's not part of our jurisdiction, I would
3 rather wait, just in fairness to them, because we did
4 ask the City for testimony first, okay?

5:48:55 PM 5 MR. PORTEAU: The --
6 THE CHAIR: All right.
7 MR. PORTEAU: The only reason -- and I
8 apologize to the Chair. The only reason that I wanted
9 to make a brief address --

5:49:00 PM 10 THE CHAIR: Uh-huh.
11 MR. PORTEAU: -- is not to bother the
12 Board with evidence, but simply to point out some
13 incomplete statements that were made. But I can --
14 THE CHAIR: I -- I will --

5:49:11 PM 15 MR. PORTEAU: -- certainly --
16 THE CHAIR: -- give you the opportunity
17 to do that. But I would, in fairness to them, I need to
18 let them finish with their --
19 MR. PORTEAU: Agreed.

5:49:16 PM 20 THE CHAIR: -- presentation.
21 MR. PORTEAU: Agreed.
22 THE CHAIR: Okay.
23 MR. PORTEAU: Thank you.
24 THE CHAIR: Now, the --

5:49:17 PM 25 MR. WILSON: We certainly don't mind

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5:49:19 PM 1 the -- the City putting on its case. It's been putting
2 on its case with us for a couple of years now.

3 And -- so, if we could finish, then, at
4 the end, after Mr. Porteau, because we are the

5:49:31 PM 5 Applicant, I'd like to just have the opportunity to
6 close for a couple -- just a couple of seconds --

7 THE CHAIR: We --

8 MR. WILSON: -- to respond.

9 THE CHAIR: We have no time --

5:49:36 PM 10 MR. WILSON: That would be the --

11 THE CHAIR: -- limits.

12 MR. WILSON: -- the typical protocol in
13 a -- in appellate procedure.

14 So now, I'd like to call Mr. Lynch --

5:49:41 PM 15 THE CHAIR: Yes.

16 MR. WILSON: -- and --

17 THE CHAIR: Yes.

18 MR. WILSON: -- let him --

19 THE CHAIR: Go ahead.

5:49:44 PM 20 MR. WILSON: -- introduce himself --

21 THE CHAIR: Go ahead.

22 MR. WILSON: -- and provide you some
23 testimony on this issue.

24 MR. LYNCH: My name's Dan Lynch. I'm

5:49:51 PM 25 with Traffic Engineers Incorporated. I'm familiar with

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5:49:56 PM 1 40-86. I was responsible for enforcing it for the City
2 of Houston during the 1970s for about six or eight
3 years.

4 Basically, our firm did a traffic impact
5 analysis of this site, the proposed site, which in --
6 which you saw was approved by Ray Chong. Then it --
7 the -- the approval was rescinded. And at that point, I
8 began to look -- I personally began to look at the
9 project to see what was going on with respect to traffic
5:50:11 PM 10 and I tried to figure out if -- if Traffic Engineers
11 Inc. had done something wrong in their analysis or if
12 the rules were changing.

13 Basically, what -- what's happening is
14 the densification of the city is causing the rules to
5:50:50 PM 15 change. You saw the memo from the Mayor, making the
16 interpretations and directives to the staff and so
17 forth.

18 So we have no rules with which to follow.
19 In other words, if I come to you for a building permit,
5:51:06 PM 20 you know, I -- you -- you can tell me that: Okay.
21 You've got to use two-by-fours and two-by-sixs here.
22 You've got to meet certain fire requirements and there
23 is a -- a distance between -- from the hydrant. There
24 are rules that are specifically laid down. And what I
5:51:22 PM 25 have to do is comply with those and I get a building

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5:51:25 PM 1 permit.

2 In this case, we have a moving target.
3 So I went through this project and did an advanced
4 simulation of the traffic coming out of and going into
5 the site. And there are many different scenarios.

5:51:41 PM

6 Basically, the driveway, in my opinion,
7 does not cause excessive interference on Bissonnet. And
8 that is where -- that's where the crux to this problem
9 is that anyone can make a determination as to what
10 excessive interference is or is not.

5:52:05 PM

11 Typically, we would have rules that said:
12 If you have this much traffic coming out of the driveway
13 and this much traffic on the roadway, that constitutes
14 excessive interference. We don't have that. It's just
15 a matter of one person's opinion versus another.

5:52:24 PM

16 So this -- ultimately, we'll get resolved
17 at -- at the political level; but that's -- that's why
18 we're here, because we've got -- we -- we don't really
19 have any rules. We've just got opinions.

5:52:42 PM

20 And what I can say to you is that in the
21 -- I -- I believe three mayors under which I've -- I
22 enforced 40-86, this -- this type of problem never
23 occurred. I did not have a directive from any of those
24 mayors that said, you know: Let's -- let's devote
25 special attention to this kind of situation.

5:53:05 PM

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5:53:10 PM 1

The -- the Levels of Service -- you'll
2 hear Levels of Service a lot in terms of traffic. And
3 it's, basically, A through F. A is the best Level of
4 Service, F is the worst. And the Levels of Service on
5 all of these street -- all of these intersections are
6 better than F. The worst one is an E.

5:53:25 PM 5

7 But even at that, if you -- if the City
8 decides to deny a building -- a -- a Driveway Permit for
9 an intersection that -- because there's an intersection
10 nearby that operates at Level Service F, then you're not
11 going to build another driveway on Westheimer, on
12 Bellaire Boulevard, on Holcombe, on any of those streets
13 because during the rush hour, those -- those streets are
14 all working at Level Service F. I mean, it -- it's just
15 -- it's -- it's an unbelievable situation where we are.

5:54:01 PM 15

16 So traffic and all these numbers and so
17 forth can really be boring, but I will just emphasize
18 that, in my opinion, this driveway does not constitute
19 excessive interference on Bissonnet Street.

5:54:24 PM 20

Questions?

21

THE CHAIR: Okay. Any questions from the
22 Board?

23

MR. BUCK: I --

24

MR. WILSON: Mr. Chairman -- Dan, would
25 you just -- we've not submitted your resume. Would you

5:54:32 PM 25

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5:54:32 PM 1 just give a little bit of your background, you know,
2 education, your certifications, just for the record?

3 THE CHAIR: Mr. -- Mr. Wilson, we -- we
4 trust what he say -- we -- we -- we will trust that he's
5 an expert and --

6 MR. WILSON: We --

7 THE CHAIR: And we probably wouldn't know
8 a good traffic engineer versus a bad one would be. And
9 we'll accept that --

10 MR. WILSON: Thank you.

11 THE CHAIR: -- he knows what he's talking
12 about. If that -- that's okay with you?

13 MR. WILSON: That -- we'll accept that.

14 THE CHAIR: All right.

5:55:07 PM 15 MR. BUCK: I just want to be clear about
16 something. The Driveway Permit has not been denied for
17 the 120 peak hour trips; is that -- am I understanding
18 that correctly? It's been approved for that, but it was
19 denied for the 184 peak hour trips.

5:55:15 PM 20 So there is Driveway Permit approval, but
21 just not for the number of peak hour trips that -- that
22 the Developer is wanting. Is -- am I understanding that
23 correctly?

24 MR. LYNCH: That's correct. But the
5:55:31 PM 25 ordinance does not real specifically state a maximum

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5:55:33 PM 1 number of trips for a driveway.

2 MR. BUCK: I understand that. So it --
3 the Driveway Permit approve -- has been approved. It's
4 not just for the number of peak hour trips?

5:55:44 PM 5 MR. LYNCH: Yes.

6 THE CHAIR: Okay.

7 MR. BUCK: Okay.

8 THE CHAIR: All right. Any -- any
9 questions from the Board?

5:55:49 PM 10 MR. CAMPBELL: Just one question. Those
11 numbers are 184 and then 120. Are those numbers that
12 were calculated by the City or -- or did you guys
13 produce -- produce those numbers?

14 MR. LYNCH: The -- the way we produce
5:56:01 PM 15 these is based on a report that is produced by the
16 Institute of Transportation Engineers headquartered in
17 Washington D.C. And the number -- you -- you -- it's a
18 look up table. You go in and -- and you say: Okay.
19 There's going be X number of residences or X square foot
5:56:19 PM 20 of -- of retail or whatever it is. And this is the
21 number of trips that that will generate.

22 MR. CAMPBELL: Okay.

23 MR. LYNCH: You sum those up and that's
24 the total number of trips of the new development. I
5:56:30 PM 25 believe that -- that the City agrees that the -- the

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5:56:32 PM 1 trip rates that we are using are correct.

2 MR. SILVA: Okay. So why -- why are
3 you-all really worried about the 120 versus 184? Are
4 you saying you are going to reduce your --

5:56:46 PM 5 MR. LYNCH: We did.

6 MR. CAMPBELL: Flexibility.

7 MR. SILVA: You've reduced your space --

8 MR. LYNCH: What --

9 MR. SILVA: -- so much or --

5:56:50 PM 10 MR. LYNCH: -- basically -- well,

11 basically what happened is the developers came in
12 with -- what we refer to as a mixed-use development,
13 which we think is a really good thing, from a traffic
14 standpoint, because of the internal trips that get
15 captured and so forth. And they have 226 apartments or
16 condos, five townhouses, a -- a few thousand feet of
17 restaurant, a few thousand feet of retail -- small
18 retail, some office, basically, associated with the --
19 the building itself and a spa and some general space.

5:57:01 PM 15 Okay. When you put the numbers, the ITE
21 numbers to all those different land uses, they sum up to
22 be 184 trips. Okay. So the City said: No, we -- we're
23 not going to approve 184 trips. It -- it excessively
24 interferes.

5:57:49 PM 25 So what the Developer did was to reduce

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5:57:51 PM 1 the -- the -- drop the retail, drop the office and the
2 spa and the -- and left the restaurant. The restaurant
3 -- the sum of the restaurant and the residential, it was
4 around 120 trips.

5:58:06 PM 5 *THE CHAIR:* Any other questions from the
6 Board?

7 *MR. BUCK:* So is the Developer wanting to
8 add these items back in to --

9 *MR. LYNCH:* Exactly. The -- the --
5:58:17 PM 10 the -- the drive -- how can you have a Drive Ordinance
11 determine whether you can have office space or -- or
12 a -- or retail space in -- in -- in your development?

13 *MR. BUCK:* So the plan approval is for
14 this structure without these -- this retail space; now,
5:58:35 PM 15 is that correct?

16 *MR. LYNCH:* Well, the 120, that --
17 what's -- what is the City has agreed that they would
18 approve is the -- is the reduced development. And it
19 didn't have retail. It doesn't have office.

5:58:49 PM 20 *THE CHAIR:* Okay. All right. If there
21 are not any more questions for Mr. Lynch. And did you
22 have another person that you want to present?

23 *MR. WILSON:* No, unless there's questions
24 to the principles of the Developer who are here.

5:59:04 PM 25 *THE CHAIR:* Okay.

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5:59:05 PM 1

MR. WILSON: We're concluded.

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5:59:17 PM 5

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5:59:26 PM 10

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5:59:36 PM 15

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6:00:14 PM 25

THE CHAIR: I've got some general questions. And anybody can take a shot at these. This A through F rating that you talk about in the -- the traffic peaks.

MR. LYNCH: Uh-huh.

THE CHAIR: I think you mentioned that -- well, I guess, what I'm trying to get after is that -- this time that you-all are concerned about, what -- what are the hours of this peak time?

MR. LYNCH: It's -- it's in -- typically the -- the heavy -- most concentrational [sic] traffic will be in the afternoon peak period.

THE CHAIR: Uh-huh.

MR. LYNCH: And that will, generally, be before -- the -- the one hour between, say, 4:00 and 6:00 p.m. in the afternoon. And sometime -- at some locations, it might be 5:15 to 5:00, or 4:45 to 5:45, it might be 5:00 to 6:00. It -- it varies.

THE CHAIR: Okay. And in your preparation of the 184, which I think you agreed that's what was produced by the earlier plan? The 184 and the reduced plan will give you the 120. And -- and I'm going down the list slowly. And I know that this may be repeating everything.

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6:00:18 PM 1

The -- and I don't know if, Mr. Wilson,
2 you would want to answer this or what, but the -- the
3 improper interpretation of 40-86, if I understood you
4 correct was based on -- here, let me find the paper --

6:00:31 PM 5

C3, I believe that's what the item was.

6

MR. CLIFTON: Yeah.

7

THE CHAIR: And it basically said that
8 the number of vehicles -- let me just read: He shall
9 refuse the issue of a permit of any driveway opening as
10 to which it has been found that the proposed use of the
11 driveway would create an extraordinary traffic hazard or
12 would excessively interfere with -- with the normal use
13 of the street or right-of-way.

6:00:50 PM 10

11

12

13

14

6:01:05 PM 15

16

And if I understood you correctly, you're
15 saying that that has been misinterpreted as not meaning
16 the -- the traffic load?

17

MR. WILSON: I -- I -- we have -- we have
18 two points. One point is that if it is the single
19 driveway, and that single driveway is necessary for
20 reasonable access to the project, which we think is sort
21 of self-evident, then you don't get down to C3.

6:01:26 PM 20

21

22

23

24

And the second is that if you do get down
22 to C3 and you're looking at excessive interference, the
23 excessive interference would relate to the use of the
24 street right-of-way. And that is the Bissonnet Street

6:01:37 PM 25

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6:01:41 PM 1 right-of-way and the intersection between the single
2 drive and the Bissonnet Street right-of-way in the
3 locality of the project right there with the project.
4 THE CHAIR: Okay. So -- and you -- so --
6:01:54 PM 5 and, therefore, you're saying it could not back up to
6 Shepherd --
7 MR. WILSON: Right.
8 THE CHAIR: -- and have a -- a
9 negative --
6:01:59 PM 10 MR. WILSON: Yes.
11 THE CHAIR: -- effect?
12 MR. WILSON: Right. Why -- why --
13 THE CHAIR: Okay.
14 MR. WILSON: -- don't they just keep
6:02:02 PM 15 on --
16 THE CHAIR: You -- you're saying it
17 limits to where the -- the people are coming out on the
18 street?
19 MR. WILSON: Right.
6:02:06 PM 20 THE CHAIR: And not go down the block
21 until it hits the intersection?
22 MR. WILSON: Yes.
23 THE CHAIR: If I understand it.
24 Okay. All right. Any other question
6:02:11 PM 25 from the Board? We'll let Mr. Portfield -- is it

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6:02:11 PM 1

Portfield?

2

MR. PORTEAU: Porteau.

3

THE CHAIR: Porteau.

4

MS. DAVIS: I have one question.

6:02:11 PM 5

THE CHAIR: Okay.

6

MS. DAVIS: Is there a dedicated

7

left-turn lane on Bissonnet for this project? One

8

proposed or --

9

MR. LYNCH: We -- we had proposed to do

6:02:25 PM 10

that, as a -- a possible mitigation. And I -- I don't

11

believe that's been approved. And, in fact, I think

12

there's a memo from the Mayor saying that it's not

13

necessary to make any improvements within the

14

right-of-way. Not -- not necessary for the City to

6:02:47 PM 15

approve any improvements for the right-of-way.

16

MR. SILVA: Now, you -- you've all

17

mentioned briefly about several interests versus one.

18

Now, what -- what brought that on?

19

MR. WILSON: He's talking about the

6:03:02 PM 20

original plan versus the subsequent plan. Dan?

21

MR. LYNCH: Current -- currently, there

22

are several driveways on that property.

23

THE CHAIR: Okay.

24

MR. LYNCH: But as I understand it -- and

6:03:09 PM 25

I'm not the lawyer, but -- but as I understand it that

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6:03:12 PM 1 if you have a piece of property, you have to be given
2 one driveway. There -- there's no choice, no matter
3 what. That -- that --

4 MR. SILVA: Well, yeah, you've got to
6:03:24 PM 5 have access to it.

6 MR. LYNCH: Yeah.

7 MR. SILVA: But what I'm saying is why
8 one versus several?

9 MR. CAMPBELL: I think that was limited
6:03:30 PM 10 by the City.

11 MR. SILVA: Well, that's what I'm asking.

12 MR. CAMPBELL: Yeah.

13 *(Discussion off the record.)*

14 MR. LYNCH: We had -- the original plan
6:03:35 PM 15 was for a driveway on Ashby and one on Bissonnet. And
16 then, as we moved through the process, in order to
17 crystallize the actual impact, the actual worst-case
18 traffic impact, we moved to just one driveway on
19 Bissonnet.

6:03:56 PM 20 In other words, if you put all of the
21 traffic in that driveway, that would be the absolute
22 worst impact -- most significant impact on Bissonnet.
23 And when I went through the analysis, that -- everything
24 was Level Service C or better on -- on the driveway.

6:04:13 PM 25 So -- and that -- that was -- that was

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6:04:15 PM 1 part of that -- that part of that was the -- the -- of
2 course, the idea of the -- the neighborhood complaining.
3 Of course, you-all, I'm sure, are familiar with the --
4 the complaints from the neighborhood. And by just
6:04:29 PM 5 putting it on the major collector, Bissonnet, and not
6 the minor collectors of Ashby, then that mitigated any
7 neighborhood problems.

8 *THE CHAIR:* Okay. All right. Thank you.
9 Mr. Porteau?

6:04:46 PM 10 *MR. PORTEAU:* Thank you very much.
11 Could I impose on you to take it back to
12 40-86.

13 *MR. MARRE:* Sure.

14 *MR. PORTEAU:* Just for a minute. There
6:04:57 PM 15 you go.

16 This is -- and I'll pass this out to you
17 all. It's another copy of the same --

18 *THE CHAIR:* Okay. We've got it.

19 *MR. PORTEAU:* -- the ordinance that we're
6:05:06 PM 20 talking about. And lawyers sometimes develop the
21 ability to stop reading in the middle of a sentence.
22 Because it says: Upon receipt of an application for a
23 driveway permit, the City Engineer shall make a
24 determination as to whether the driveway applied for is
6:05:22 PM 25 necessary to provide a reasonable access to the private

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6:05:26 PM 1 property consistent with the safety and convenience of
2 the public, taking into account the following matters.

3 And one, the nature and volume of the
4 traffic on the street on which the private property
6:05:41 PM 5 abuts. Three, the effect that the passage of vehicles
6 of -- and -- I'm sorry -- to and from the private
7 property will have on the safety of the traveling public
8 and on the movement of traffic in the street to which
9 the driveway connects.

6:05:59 PM 10 Mr. Loethen has testified that he
11 followed the requirements of this ordinance in making
12 this determination. I -- I -- I submit that in order to
13 prevail that the Applicant has the burden to show you,
14 as the Board, that Mr. Loethen somehow failed to follow
6:06:18 PM 15 what was required in the ordinance of him to do.

16 As Mr. Lynch said, and explained to
17 everybody, this is a difference of opinion. Mr. Loethen
18 is the City Engineer. He is the person that the law
19 puts upon his shoulders to make these determinations.
6:06:37 PM 20 And what I say isn't evidence. What Mr. Wilson says
21 isn't evidence. What Mr. Lynch said is and what
22 Mr. Loethen says is.

23 But there is no evidence that he didn't
24 follow the ordinance. And I think that you're -- you're
6:06:53 PM 25 bound to -- the fairness decision, absent that. And I'm

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6:06:55 PM 1 sure Mr. Loethen will answer any questions you have.

2 THE CHAIR: Any comments? Any other
3 questions?

4 MR. CAMPBELL: I do have a question.

6:07:04 PM 5 THE CHAIR: Okay. Go.

6 MR. CAMPBELL: Those -- those items -- I
7 guess, Items 1-5 in that section that you just referred
8 to are somewhat subjective type items. Are there any
9 quantitative precedents that the City has in terms of
10 establishing those things or --

6:07:16 PM

11 MR. PORTEAU: You-all would have to ask
12 Mr. Loethen that. That's an engineering issue. I'm
13 just --

14 MR. CAMPBELL: Right.

6:07:21 PM

15 MR. PORTEAU: -- a stupid lawyer so...

16 MR. CAMPBELL: Yeah.

17 THE CHAIR: I was going to say, when
18 you're talking a lawyer, I thought: Aren't you a
19 lawyer?

6:07:28 PM

20 MR. PORTEAU: I am.

21 THE CHAIR: That's okay. No problem.

22 MR. LOETHEN: I'm sorry, would you repeat
23 the question --

24 MR. CAMPBELL: Okay. Those --

6:07:33 PM

25 MR. LOETHEN: For me?

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6:07:34 PM 1 MR. CAMPBELL: -- those items, 1 through
2 5 in terms of assessing one, I guess the driveway, is an
3 issue somewhat subjective, the way they're written. And
4 I'm just wondering if there are precedents,
6:07:55 PM 5 quantitative-type precedents that the City has
6 established or -- or -- or used over the years to make
7 that assessment.

8 MR. LOETHEN: Let me first say that I've
9 only been the City Engineer since March of 2007 --

6:07:56 PM 10 MR. CAMPBELL: Right.

11 MR. LOETHEN: -- so -- or 2008, I'm
12 sorry. So I can't speak to what my predecessors may or
13 may not have done. What I read in the ordinance in --
14 in evaluating this and whether it's subjective or not,
6:08:10 PM 15 I'm not going to speculate, one way or the other. But
16 it was my professional opinion as I reviewed that that
17 the driveway as proposed did pose or possessed a
18 potential for excessive interference with the abutting
19 roadway, which is Bissonnet.

6:08:28 PM 20 And as Mr. Porteau stated, it says: The
21 nature and volume of traffic on the roadway, which it
22 abuts, which would be Bissonnet, the dimensions and type
23 of construction of the roadway, again, which would be
24 Bissonnet, and the effect that it would have on the
6:08:41 PM 25 ability of people to enter and exit the driveway onto

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6:08:45 PM 1 Bissonnet.

2 And it is the use of the driveway by the
3 184 trips or the 120 trips, or however many trips
4 anticipated by the project that would cause the
5 excessive interference with the normal operation of the
6 right-of-way, which is to move the public in a mobility
7 case from one point to another.

6:08:54 PM 5

8 And Bissonnet is a major collector on the
9 major thoroughfare plan. Ashby, which is the abutting
10 street to the -- next to the project is a -- it's
11 classified as a local street.

6:09:10 PM 10

12 *THE CHAIR:* I -- I want to -- I want to
13 clear up something then, because I'm -- I'm a little bit
14 confused.

6:09:23 PM 15

16 When I got here, I thought the issue was
17 about the approval of a Driveway Permit for a -- a
18 building permit that was basically approved. And now,
19 what I'm -- I think I'm hearing the -- the request is
20 for a approval of a Driveway Permit for a building that
21 has not been approved. Am I -- am I correct?

6:09:45 PM 20

21 *MR. WILSON:* Yes.

22 *THE CHAIR:* So actually, I mean, this is
23 my personal opinion, but the -- the appeal itself is --
24 is not -- well, it's not valid, because it -- if I
25 understood correctly, you can get a Driveway Permit for

6:10:04 PM 25

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6:10:10 PM 1 120 peak traffic addition, but you cannot get a
2 Driveway Permit for 184 peak traffic.

3 But, at the same time, you're saying that
4 the -- if -- if I understand correctly, that the 184
6:10:28 PM 5 peak traffic producing building has not been approved.

6 Did I get that right?

7 MR. CAMPBELL: As -- as I read the thing
8 that the approval of a building itself was contingent
9 upon getting a Driveway Permit passed. That's what --

6:10:44 PM 10 THE CHAIR: But that is for the design of
11 the 120 --

12 MR. CAMPBELL: Or even the 184. The
13 building at 184 will not be approved unless the
14 Driveway Permit is approved. That's --

6:10:50 PM 15 THE CHAIR: Okay.

16 MR. CAMPBELL: -- that's what I
17 understood.

18 THE CHAIR: All right. One more -- let
19 me -- let me try this one more time. All right.

6:10:56 PM 20 So, in essence, so let's say there --
21 there are two building permits. One is for a -- a
22 building that will produce a 120 peak traffic and then
23 the other one would produce 184. Now, is the issue that
24 the building officials have approved both of these
6:11:14 PM 25 plans?

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6:11:18 PM 1

MR. PORTEAU: (Moving head side to side.)

2

THE CHAIR: Anybody. If anybody wants to

3

answer that.

4

(Discussion off the record.)

6:11:24 PM 5

MR. PORTEAU: The 120 peak hour building
proposal has been approved, along with the
Driveway Permit. The approval of the Driveway Permit is
a condition --

9

MR. CAMPBELL: Right.

6:11:32 PM 10

MR. PORTEAU: -- precedent to approving
the site and foundation plan --

12

THE CHAIR: Uh-huh.

13

MR. PORTEAU: -- permit.

14

THE CHAIR: Right.

6:11:41 PM 15

MR. PORTEAU: So when the 184 peak hour
permit, Driveway Permit was applied for back in April,
along with that -- the building that that would go
with --

19

THE CHAIR: Uh-huh.

6:11:49 PM 20

MR. PORTEAU: -- that was rejected.

21

THE CHAIR: Okay. So let me back up
then. So the appeal today has nothing -- has nothing to
do with 120 peak --

24

MR. WILSON: Correct.

6:12:00 PM 25

THE CHAIR: You're going back to whatever

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6:12:02 PM 1 time --

2 MR. CAMPBELL: It's entirely --

3 THE CHAIR: -- and simply dealing with
4 the -- the original application for what would produce
6:12:07 PM 5 184?

6 MR. WILSON: Right.

7 THE CHAIR: Period. And so that's where
8 you want the driveway?

9 MR. WILSON: Right.

6:12:11 PM 10 THE CHAIR: Okay. All right.

11 MR. CAMPBELL: Okay.

12 THE CHAIR: All right. I'm just getting
13 closer.

14 All right. Any questions?

6:12:16 PM 15 MS. DAVIS: I -- Mr. Loethen?

16 MR. LOETHEN: Yes, ma'am.

17 MS. DAVIS: And -- and you said you've
18 just been here since '08. But are you saying that it
19 was your professional opinion that this driveway at 184
6:12:33 PM 20 would effect the traffic on Bissonnet?

21 MR. LOETHEN: No. What I said was that
22 if the driveway, as permitted, with -- with 184 peak
23 hour trips, those 184 peak hour trips coincident with
24 the peak hour traffic on Bissonnet would, in my opinion,
6:12:48 PM 25 excessively interfere with the operation of Bissonnet.

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
OCTOBER 22, 2009

6:12:53 PM 1 MS. DAVIS: Okay. Now, as I read all of
2 this, that's not the way the objection was. Because it
3 does reference Bissonnet and Shepherd, which is not
4 where this driveway -- if you go, you're not going to
6:13:13 PM 5 end up at Bissonnet and Shepherd, you're at Bissonnet.
6 So...

7 MR. LOETHEN: The traffic analysis that
8 they provided evaluated several surrounding
9 intersections to the project. Shepherd at Bissonnet was
6:13:24 PM 10 one of them. At Shepherd they interviewed -- excuse me,
11 they reviewed Bissonnet at Shepherd, Bissonnet at
12 Greenbriar, Bissonnet at Dunlavy, Bissonnet at Montrose,
13 I believe, and a couple of others. So they evaluated
14 the corner of Bissonnet at this point in time.

6:13:43 PM 15 MS. DAVIS: Okay.

16 MR. PORTEAU: I'm sorry, Applicant?

17 MR. LOETHEN: The Applicant.

18 MS. DAVIS: Okay.

19 *(Mr. Clifton raises his hand.)*

6:13:54 PM 20 MR. LOETHEN: Yes, sir.

21 MR. CLIFTON: Now, what -- now, they --
22 they're using a professional engineering firm to do
23 this. What is the City -- who is the -- who did the
24 City use to come up with their numbers as far as these
6:14:00 PM 25 trip hours?

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
OCTOBER 22, 2009

6:14:03 PM 1

MR. LOETHEN: The City did not come up
2 with any trip hours. The -- the 120 hour -- peak hour
3 trips were provided by the Applicant in a subsequent
4 application. But that was not a number that the

6:14:13 PM 5

City Engineer provided to them.

6

MR. CLIFTON: But you-all's argument is
7 that the intersection Shepherd and Bissonnet is --

8

MR. LOETHEN: They started --

9

MR. CLIFTON: -- going to exceed the --
10 what is allowed under --

6:14:25 PM 10

11

MR. LOETHEN: Based on the information
12 that they provided, that's correct.

13

MR. ALLEN: Mr. Chairman? I also --

14

THE CHAIR: Yes.

6:14:28 PM 15

MR. ALLEN: I'm with the City Attorney's
16 office.

17

THE CHAIR: Yes, sir.

18

MR. ALLEN: We don't mean to tag team

19

but --

6:14:32 PM 20

THE CHAIR: No, go right ahead.

21

MR. ALLEN: -- we promise not to take as
22 much time, even in total.

23

THE CHAIR: No problem.

24

MR. ALLEN: Can I --

6:14:35 PM 25

THE CHAIR: Can I -- can I --

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
OCTOBER 22, 2009

6:14:35 PM 1

MR. ALLEN: -- put on --

2

THE CHAIR: -- ask one -- one question

3

before you do that?

4

The -- I'm back to the ratings again,

6:14:41 PM 5

these As and Fs. And everybody has, basically, said

6

Shepherd and Bissonnet is an E, regardless. When do

7

determine -- when you -- when do you determine that it's

8

an F? Or how does that get determined, if nothing

9

else?

6:14:59 PM 10

MR. LOETHEN: Associated -- associated

11

with the Level of Service is what's called delay, timed

12

delay at the intersection.

13

THE CHAIR: Uh-huh.

14

MR. LOETHEN: And the threshold for a

6:15:05 PM 15

Level of Service E to F is what is called an 80-second

16

delay.

17

In this particular project --

18

THE CHAIR: Uh-huh.

19

MR. LOETHEN: -- as originally proposed

6:15:11 PM 20

approached that 80-second delay interval. It was in the

21

high 70s if I remember correctly. And I don't have

22

the -- I don't have the study in front of me --

23

THE CHAIR: Okay.

24

MR. LOETHEN: -- so --

6:15:23 PM 25

THE CHAIR: All right. So it's 80

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
OCTOBER 22, 2009

6:15:25 PM 1 seconds that, you know, the -- the unfortunate thing,
2 probably everybody in this room has driven down Shepherd
3 and that's probably good news and bad news. And I'm --
4 I'm sure that everybody in the room considers them to be
6:15:35 PM 5 a traffic expert, no offense.

6 *(Discussion off the record.)*

7 MR. LYNCH: Only if they have a driver's
8 license.

9 THE CHAIR: So I guess what I'm -- what
6:15:45 PM 10 I'm getting at here, for me, the issue is coming down to
11 whether or not we agree or disagree that any increased
12 traffic on --

13 MR. SILVA: Bissonnet.

14 THE CHAIR: -- on Bissonnet Street has a
6:16:00 PM 15 negative effect on -- on Shepherd to the degree -- or
16 any other street to the degree that it would have the
17 F --

18 MR. CAMPBELL: Score.

19 THE CHAIR: -- calculation or however
6:16:09 PM 20 that would work out.

21 Okay. All right. I'm sorry. Go ahead.

22 *(Discussion off the record.)*

23 THE CHAIR: Yes, sir. Go right ahead.

24 MR. ALLEN: And I'll try to --

6:16:12 PM 25 THE CHAIR: Yeah.

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
OCTOBER 22, 2009

6:16:17 PM 1 MR. WEBB: Could we see -- we're imposing
2 on you -- 3110.4? This is from the Building Code, which
3 is how we get to 40-86.

4 THE CHAIR: Okay.

6:16:30 PM 5 MR. ALLEN: And here -- and this is why
6 we're looking at 40-86 at all: Upon receipt of the
7 application for a Driveway Permit, the building official
8 refers it to the Offices of the City Engineer pursuant
9 to the guidelines set out in 40-86, as to whether the
6:16:48 PM 10 driveway applied for is necessary to provide the
11 reasonable access to the private property. And then the
12 rest of it, that's not underscored: Consistent with the
13 safety and convenience of the public.

14 Now, what you see here are two prongs.
6:17:02 PM 15 There is a private interest and there is a public
16 interest, which Counsel has put into this part of the
17 building code.

18 Now, this language right here
19 (indicating), those two prongs, that's identical to what
6:17:16 PM 20 you have in 40-86. We would acknowledge that.

21 THE CHAIR: Uh-huh.

22 MR. ALLEN: But then it becomes the job
23 of the City Engineer to consider both those private and
24 public interests.

6:17:26 PM 25 Now I want you to notice what's not here

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
OCTOBER 22, 2009

6:17:29 PM 1 in this statute, and it's not in 40-86 either. There is
2 no requirement here for any traffic engineer. There is
3 nothing in here that says that we have to have a traffic
4 engineer to go look at this. Certainly, we need a
6:17:46 PM 5 professional City Engineer and that's exactly what we
6 did. But that requirement is not here.

7 We heard Mr. Wilson complain about the
8 City changing the rules. I submit that Buckhead has
9 been changing the rules because they want to impose onto
6:18:01 PM 10 these laws things that are not there. And talking about
11 a traffic engineer is one of those things.

12 It's very simple, we go to the
13 City Engineer and he uses his best professional
14 judgment, much of which was based upon data supplied by
6:18:16 PM 15 Buckhead. And he looks at it and he says: All right.
16 Is it reasonably necessary?

17 I believe that Mr. Loethen would testify
18 that on the private side of this equation, yes, it was
19 necessary. I doubt that that's in dispute. But what I
6:18:29 PM 20 say is not testimony.

21 What got his attention and his concern
22 was the public component. And that was: Is it
23 consistent with the safety and convenience of the
24 public? And when you're going to add that many peak
6:18:44 PM 25 trip hours, he reasonably concluded that that was going

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
OCTOBER 22, 2009

6:18:48 PM 1 to have an adverse impact.

2 I'm not here, and I know Mr. Porteau's
3 not here to defend the drafting of City Ordinances or
4 codes, okay? We're not going to take that on. And some
6:18:59 PM 5 of them are not as artfully drafted as we wish they
6 were. But this is fairly clear about what that man's
7 job was. And he was supposed to consider using
8 objective data: What was the public safety and
9 convenience? And he has an entirely rational basis to
6:19:19 PM 10 have concluded that that safety and convenience was
11 going to be adversely impacted in a significant way.

12 THE CHAIR: Okay.

13 MR. WEBB: So I believe that this has
14 been vastly overcomplicated. And I believe we've seen
6:19:34 PM 15 a lot of stuff about conspiracy theories and what this
16 person did and that person did and what the Mayor said
17 and all of that. When all this boils down to was he
18 made this decision and did he have a rational basis to
19 make it? It's too late in the day to be changing the
6:19:52 PM 20 relative simplicity of what's built into these laws.

21 THE CHAIR: Okay. All right. Thank you.

22 MR. KIRTON: Mr. Chairman?

23 THE CHAIR: Yes, sir. Go ahead.

24 MR. KIRTON: Could I -- could I ask you
6:20:00 PM 25 to ask that gentleman to introduce himself. I didn't --

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
OCTOBER 22, 2009

6:20:00 PM 1

I didn't --

2

MR. ALLEN: I'm sorry. My name's

3

Tom Allen, I'm the First Assistant City Attorney.

4

THE CHAIR: Okay. Ellen?

6:20:05 PM 5

MR. ALLEN: A-L-L-E-N.

6

THE CHAIR: Oh, okay, Allen. Okay. All

7

right.

8

I think we've heard quite a bit from both

9

sides and it always comes down to either, at some point,

6:20:16 PM 10

you got to say: Well, let's make a decision and -- and

11

go forward.

12

Mr. Wilson, I think you had asked at one

13

time for some comments after Mr. Porteau. I want to

14

give --

6:20:30 PM 15

MR. WILSON: I don't --

16

THE CHAIR: -- you that.

17

MR. WILSON: -- think I need to delay

18

this any further.

19

THE CHAIR: Uh-huh.

6:20:30 PM 20

MR. WILSON: I -- you know, we've said

21

all we need to say.

22

THE CHAIR: Okay. All right. If there

23

are any further questions from the Board, we'll take a

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few more and then we'll have the -- the motion one way

6:20:33 PM 25

or the other.

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
OCTOBER 22, 2009

6:20:39 PM 1

MS. DAVIS: This is for the City
2 Engineer.

3

Okay. You -- you based your information
4 on their traffic studies and concluded, you know, the

6:20:46 PM 5

higher trip was on Bissonnet. Is -- is that the only
6 thing that went into your deciding about this? I

7

mean --

8

MR. LOETHEN: No, ma'am. As they
9 mentioned earlier, the City had conducted traffic counts

6:21:02 PM 10

on Bissonnet in 2008. And the City had contacted --
11 after the April submittal, the City went out and did
12 additional traffic counts on Bissonnet.

13

The assumptions in the Traffic Impact
14 Analysis assumed a background growth in traffic of
6:21:17 PM 15 the -- I believe it was either one or one and a half or
16 2 percent. And based on a year of time having passed
17 from the -- between our collections, it indicated that
18 the volumes had increased in excess of 10 percent, which
19 called the assumption into question.

6:21:30 PM 20

And as part of the rejection for this, we
21 asked them to provide information regarding that because
22 we had contrary information to what was asserted in the
23 traffic study. So that was part of the discussion as to
24 why we rejected the number eight submittal -- or the
6:21:47 PM 25 submittal of April, 2009.

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
OCTOBER 22, 2009

6:21:49 PM 1

THE CHAIR: Okay.

2

3

4

MS. DAVIS: Now, why would there had not have been a -- a -- a left turn lane required for this driveway?

6:22:00 PM 5

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8

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6:22:13 PM 10

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14

MR. LOETHEN: The -- the Applicant did submit to re-strip a left turn lane as part of Bissonnet. But at that point in time, we had approved a project that warranted a left turn lane at that location on Bissonnet. There was no indication from our Traffic and Transportation Division that we had a current left turn problem at the intersection of Bissonnet and Ashby.

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6:22:37 PM 20

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24

MS. DAVIS: Have you considered that since?

MR. LOETHEN: We have -- they have not formally resubmitted that. To the best of my knowledge, we could consider that. But that does not change the permit that's been approved at this point in time.

THE CHAIR: Okay. All right. I think we need to draw into -- we've heard the -- the secondary consideration of the left turn lane, but I think we need to draw into the -- the application as -- as submitted.

25

MR. SILVA: Yes.

THE CHAIR: Which is, basically, a -- whether or not the -- the City had the -- the right to

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
OCTOBER 22, 2009

6:22:54 PM 1 deny the drive [sic] permit, based on the information
2 that had been supplied and whether or not that impact
3 was perceived to be negative and is covered under the
4 Section 40-86 or whatever that number is.

6:23:09 PM 5 So, on that basis, if there are no other
6 questions from the Board, I'd like to get a -- a motion
7 at this time.

8 MR. CAMPBELL: I'll make a motion that
9 the -- I guess, the permit be allowed under the basis of
6:23:27 PM 10 the 184. And the building, on the basis that I think
11 the ordinance itself is -- does not specifically address
12 the traffic flow in the building.

13 THE CHAIR: Is there a second?

14 MS. DAVIS: I second.

6:23:41 PM 15 THE CHAIR: Okay. It's been moved and
16 second that the -- the -- the appeal be approved. Is
17 there any further conversation?

18 (No response.)

19 THE CHAIR: Okay. Those in favor?

6:23:54 PM 20 (Ms. Davis and Mr. Campbell raised their
21 hands.)

22 THE CHAIR: Those opposed?

23 (Mr. Silva, Mr. Clifton and Mr. Buck
24 raised their hands.)

6:23:57 PM 25 THE CHAIR: Okay. The appeal has been

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
OCTOBER 22, 2009

6:23:58 PM 1
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denied.

Okay. Thank you. I think that takes care of this particular item.

(Proceedings concluded at 6:24 p.m.)

GENERAL APPEALS BOARD HEARING FOR 1717 BISSONNET
OCTOBER 22, 2009

REPORTER'S CERTIFICATE

CITY OF HOUSTON

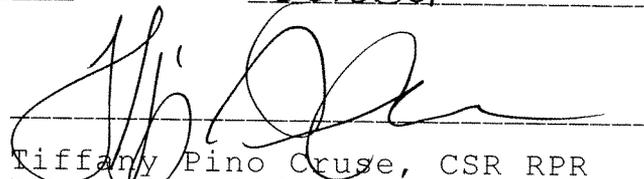
1717 BISSONNET

TAKEN ON OCTOBER 22, 2009

1
2
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5
6 I, TIFFANY PINO CRUSE, the undersigned Certified
7 Shorthand Reporter in and for the State of Texas,
8 certify that the facts stated in the foregoing pages are
9 a true and correct excerpted transcription of all the
10 proceedings in the above styled and numbered Hearing
11 that were reported by me.

12 I further certify that I am neither attorney or
13 counsel for, related to, nor employed by any parties to
14 the action in which this testimony is taken and,
15 further, that I am not a relative or employee of any
16 counsel employed by the parties hereto or financially
17 interested in the action.

18 SUBSCRIBED AND SWORN TO under my hand and seal of
19 office on this the 29th day of October,
20 2009.

21
22 

Tiffany Pino Cruse, CSR RPR
Texas CSR 7766

Expiration: 12/31/2010

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70

DEC 09 2009

MOTION by Council Member Khan that the recommendation of the Director of the Department of Public Works and Engineering, reviewed by the Joint Referral Committee, on request from Ryan Taaffe of Orr Commercial, 8554 Katy Freeway, Suite 100, Houston, Texas, 70024, on behalf of OCT Heights, LTD (Robert C. Orr, Jr., General Partner), for the abandonment and sale of a 15-foot-wide alley, from the northern line of Lots 8 and 27, Block 324, south ± 581.97 feet to the H.T. & C. Railroad Company right-of-way, in exchange for the conveyance to the City of a 15-foot-wide utility easement, from the southern end of the remaining alley, east to Heights Boulevard, all located within the Houston Heights Subdivision, out of the John Austin Two Leagues Survey, Parcel Nos. SY10-012 and VY10-032, be adopted as follows:

1. The City abandon and sell a 15-foot-wide prescriptive utility easement, from the northern line of Lots 8 and 27, Block 324, south ± 581.97 feet to the H.T. & C. Railroad Company right-of-way, in exchange for the conveyance to the City of a 15-foot-wide utility easement, from the southern end of the remaining alley, east to Heights Boulevard, all located within the Houston Heights Subdivision, out of the John Austin Two Leagues Survey;
2. The applicant be required to: (a) cut, plug, and abandon the 8-inch sanitary sewer line, from the northern line of Lots 8 and 27 to its terminus; (b) construct a new backend manhole at the new terminus of the sewer in the alley outside the limits of the development; and (c) pay the depreciated value of the sanitary sewer line and manhole. All of the above work is to be done at no cost to the City and under the proper permits;
3. The City will retain the active 6-inch sanitary sewer and easement that cross the development (in an east/west direction) west of the subject alley to service other properties;
4. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
5. The Legal Department be authorized to prepare the necessary transaction documents; and
6. Inasmuch as the value of the City's property interest is not expected to exceed \$1,000,000.00, that the value be established by Samuel Jarrett, an independent appraiser appointed by the Director of Public Works and Engineering.

Seconded by Council Member Green

Council Member Gonzalez

On 12/03/2009 the above motion was tagged by Council Member Brown.

mla

SUBJECT: Request for the abandonment and sale of a 15-foot-wide prescriptive utility easement, from the northern line of Lots 8 and 27, Block 324, south ±581.97 feet to the H.T. & C. Railroad Company right-of-way, in exchange for the conveyance to the City of a 15-foot-wide utility easement, from the southern end of the remaining alley, east to Heights Boulevard, all located within the Houston Heights Subdivision, out of the John Austin Two Leagues Survey. **Parcels SY10-012 and VY10-032**

Page
1 of 2

Agenda Item #

70 #

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

11-19-09

~~DEC 02 2009~~
DEC 09 2009

DIRECTOR'S SIGNATURE:

Council District affected: H

MS


Michael S. Marcotte, P.E., D.WRE, BCEE, Director

Key Map: 493E
E.G. for T.J.

For additional information contact:

Date and identification of prior authorizing Council Action:


Nancy P. Collins
Senior Assistant Director-Real Estate
Phone: (713) 837-0881

RECOMMENDATION: (Summary) It is recommended City Council approve a motion authorizing the abandonment and sale of a 15-foot-wide prescriptive utility easement, from the northern line of Lots 8 and 27, Block 324, south ±581.97 feet to the H.T. & C. Railroad Company right-of-way, in exchange for the conveyance to the City of a 15-foot-wide utility easement, from the southern end of the remaining alley, east to Heights Boulevard, all located within the Houston Heights Subdivision, out of the John Austin Two Leagues Survey. **Parcels SY10-012 and VY10-032**

Amount and

Source of Funding: Not Applicable

SPECIFIC EXPLANATION:

Ryan Taaffe of Orr Commercial, 8554 Katy Freeway, Suite 100, Houston, Texas 77024, on behalf of OCT Heights, LTD (Robert C. Orr, Jr., General Partner), requested the abandonment and sale a 15-foot-wide alley, from the northern line of Lots 8 and 27, Block 324, south ±581.97 feet to the H.T. & C. Railroad Company right-of-way, in exchange for the conveyance to the City of a 15-foot-wide utility easement, from the southern end of the remaining alley, east to Heights Boulevard, all located within the Houston Heights Subdivision, out of the John Austin Two Leagues Survey. The subject alley located in the Houston Heights Subdivision is not on the list of alleys that are maintained by the City. The Legal Department has determined the City's property interest is a prescriptive easement for the City's utilities located within the private alley. OCT Heights LTD, the property owner, plans to develop a 40,000-square-foot retail center on the site.

This transaction is Part One of a two-step process in which the applicant will first receive a City Council authorized Motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an Ordinance effecting the abandonment and sale. The Joint Referral Committee reviewed this request and determined the City's property interest be a prescriptive utility easement. Therefore, it is recommended:

1. The City abandon and sell a 15-foot-wide prescriptive utility easement, from the northern line of Lots 8 and 27, Block 324, south ±581.97 feet to the H.T. & C. Railroad Company right-of-way, in exchange for the conveyance to the City of a 15-foot-wide utility easement, from the southern end of the remaining alley, east to Heights Boulevard, all located within the Houston Heights Subdivision, out of the John Austin Two Leagues Survey;
2. The applicant be required to: (a) cut, plug, and abandon the 8-inch sanitary sewer line, from the northern line of Lots 8 and 27 to its terminus; (b) construct a new backend manhole at the new terminus of the sewer in the alley outside the limits of the development; and (c) pay the depreciated value of the sanitary sewer line and manhole. All of the above work is to be done at no cost to the City and under the proper permits;

tj\sy10-012.rcl.doc

CUIC #20TJ9095

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:


Andrew F. Icken, Deputy Director
Planning and Development Services Division

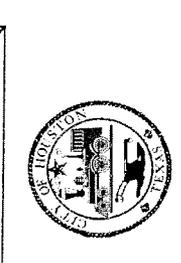
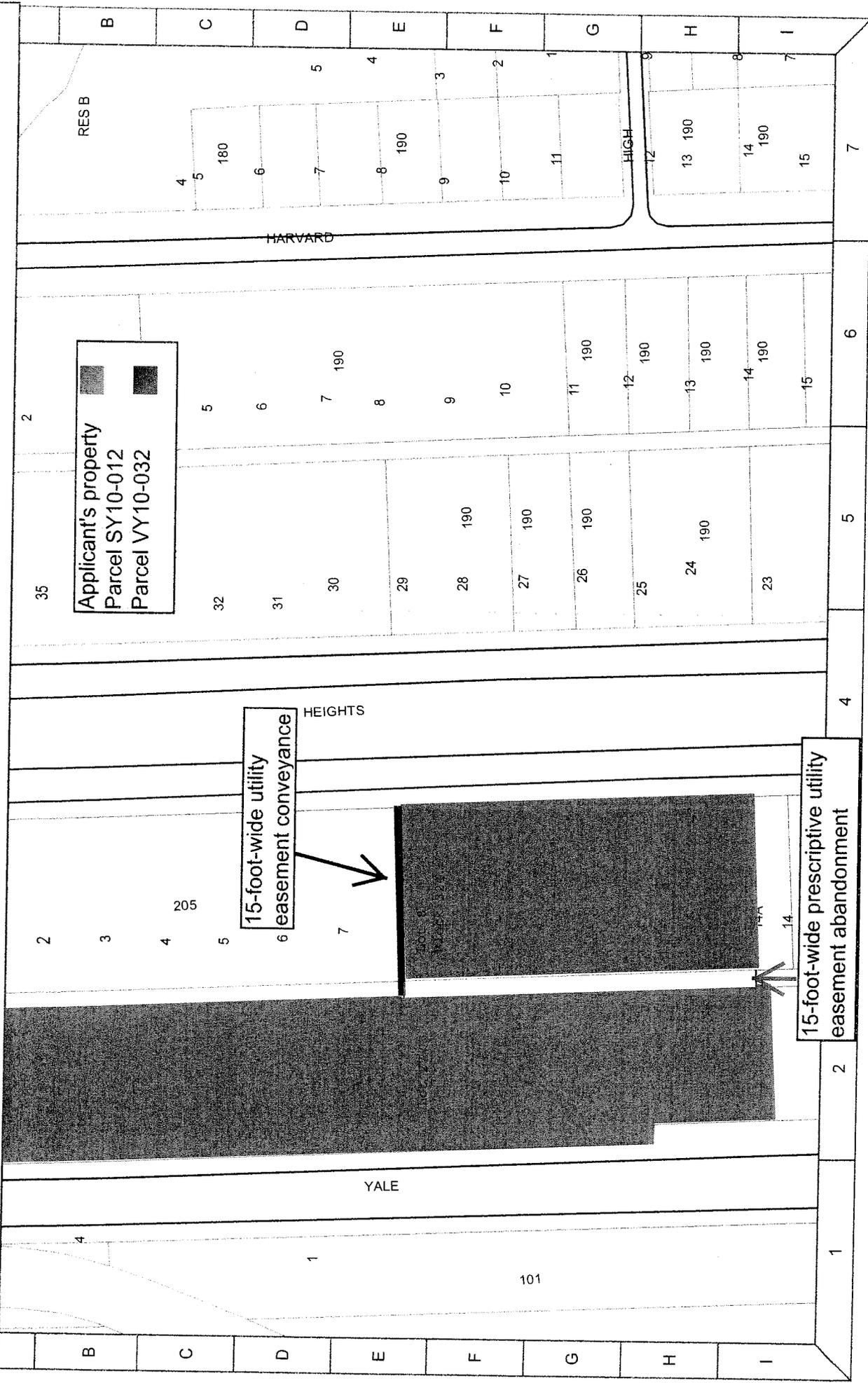
| | | | |
|--------------|---|--|-------------------------------------|
| Date: | Subject: Request for the abandonment and sale of a 15-foot-wide prescriptive utility easement, from the northern line of Lots 8 and 27, Block 324, south ±581.97 feet to the H.T. & C. Railroad Company right-of-way, in exchange for the conveyance to the City of a 15-foot-wide utility easement, from the southern end of the remaining alley, east to Heights Boulevard, all located within the Houston Heights Subdivision, out of the John Austin Two Leagues Survey. Parcels SY10-012 and VY10-032 | Originator's Initials sf | Page <u>2</u> of <u>2</u> |
|--------------|---|--|-------------------------------------|

3. The City will retain the active 6-inch sanitary sewer and easement that cross the development (in an east/west direction) west of the subject alley to service other properties;
4. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
5. The Legal Department be authorized to prepare the necessary transaction documents; and
6. Inasmuch as the value of the City's property interest is not expected to exceed \$1,000,000.00, that the value be established by Samuel Jarrett, an independent appraiser appointed by the Director of Public Works and Engineering.

MSM: NPC:tj

- c: Phil Boriskie
Jun Chang, P.E.
Marlene Gafrick
Daniel Menendez, P.E.
Arturo G. Michel
Marty Stein

Abandonment and sale of a 15-foot-wide prescriptive utility easement, from the northern line of Lots 8 and 27, Block 324, south ±581.97 feet to the H.T & C. Railroad Company right-of-way, in exchange for the conveyance to the City of a 15-foot-wide utility easement, from the southern end of the remaining alley, east to Heights Boulevard, all located within the Houston Heights Subdivision, out of the John Austin Two Leagues Survey. **Parcels SY10-012 and VY10-032**



CITY OF HOUSTON
 Department of Public Works & Engineering
 Geographic Information & Management System (GIMS)

DISCLAIMER: THIS MAP REPRESENTS THE BEST INFORMATION AVAILABLE TO THE CITY OF HOUSTON. THE CITY DOES NOT WARRANT THE ACCURACY OR COMPLETENESS OF THIS INFORMATION. FIELD VERIFICATIONS SHOULD BE DONE AS NECESSARY.



1 inch equals 110 feet
 0.8152432 Feet



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Ordinances approving Historic Site Tax Exemptions for Contributing Structures in Designated Historic Districts for the five (5) properties located at 5 Shadow Lawn Street, 77005; 224 West 16th Street, 77008; 4 Courtlandt Place, 77006; 1515 South Blvd., 77006 and 912 W. Temple Street, 77009.

Category #

Page 1 of 1

Agenda Item#

71 to 75 / ~~17 to 21~~

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Marlene Gafrick, Director
Planning and Development

Origination Date

November 10, 2009

Agenda Date

~~DEC 02 2009~~
DEC 09 2009

DIRECTOR'S SIGNATURE:

Ms. Douglas Becket | *Marlene K. Gafrick*

Council Districts affected:

C, D, H

For additional information contact:

Tim Douglass
Julia Gee

Phone: (713) 837-9857
Phone: (713) 837-7828

Date and identification of prior authorizing Council Action:

Ord. 2007-658, 12/6/2007;
Res. 2008-24, 9/10/08; 2007-48, 12/19/07; 1996-50, 6/12/96; 2007-17, 4/11/07; 2000-28, 6/14/00

RECOMMENDATION: (Summary)

That City Council adopt ordinances approving Historic Site Tax Exemptions for Contributing Structures in Designated Historic Districts for the five (5) properties located at 5 Shadow Lawn Street, 77005; 224 West 16th Street, 77008; 4 Courtlandt Place, 77006; 1515 South Blvd., 77006 and 912 W. Temple Street, 77009, which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required

Finance Budget:

SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund Other (Specify)

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for historic sites. Prior City Council designation of the property as a contributing structure in an historic district is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Director of Finance that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). **The exemption is for a 15-year period but is capped each year at the exemption amount calculated for year one.**

The owners of the following contributing structures in an historic district submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year, based on HCAD's 2009 property valuation and the City's current property tax rate, and the maximum amount that would be exempt over 15 years:

| Contributing Structure | Historic District | Base Value of Improvement | Restoration Investment | Estimated Year-One Exemption | Maximum Exemption over 15 years |
|-----------------------------|-------------------|---------------------------|------------------------|------------------------------|---------------------------------|
| 5 Shadow Lawn St. | Shadow Lawn | \$ 403,726 | \$ 375,560 | \$ 2,399 | \$ 35,983 |
| 224 W. 16 th St. | Houston Heights | \$ 48,700 | \$ 70,124 | \$ 348 | \$ 5,220 |
| 4 Courtlandt Place | Courtlandt Place | \$ 650,875 | \$ 830,025 | \$ 3,762 | \$ 56,430 |
| 1515 South Blvd. | Broadacres | \$ 373,317 | \$1,204,365 | \$7,708 | \$115,620 |
| 912 W. Temple St. | Norhill | \$ 98,203 | \$ 209,564 | \$ 791 | \$ 11,865 |

Since the properties have been designated as contributing structures in an historic district, and meet all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marty Stein, Agenda Director
Anna Russell, City Secretary
Arturo Michel, City Attorney

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Tim [Signature]

Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: Ordinances approving Historic Site Tax Exemptions for Historic Landmarks for the six (6) properties located at 2232 Brentwood Drive, 77019; 2175 Troon Road, 77019; 1046 Harvard Street, 77008; 3740 Willowick Road, 77019; 3223 Inwood Drive, 77019; and 2947 Inwood Drive, 77019.

Category #

Page 1 of 1

RCA #

Agenda Item#

76-81 22-29

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Marlene Gafrick, Director
Planning and Development

Origination Date

November 10, 2009

Agenda Date

~~DEC 0 9 2009~~

DEC 0 9 2009

DIRECTOR'S SIGNATURE:

Michelle Mitchell *Marlene K. Gafrick*

Council Districts affected:

G, H

For additional information contact:

Tim Douglass
Julia Gee

Phone: (713) 837-9857
Phone: (713) 837-7828

Date and identification of prior authorizing Council Action:

Ord. 2007-658, 12/6/2007;
Res. 2007-29, 7/3/07; 2008-13, 5/24/08; 2007-02, 1/3/07; 2009-06, 2/25/09; 2007-14, 4/11/07; 2007-07, 2/7/07

RECOMMENDATION: (Summary)

That City Council adopt ordinances approving Historic Site Tax Exemptions for Historic Landmarks for the six (6) properties located at 2232 Brentwood Drive, 77019; 2175 Troon Road, 77019; 1046 Harvard Street, 77008; 3740 Willowick Road, 77019; 3223 Inwood Drive, 77019; and 2947 Inwood Drive, 77019, which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required

Finance Budget:

SOURCE OF FUNDING:

General Fund

Grant Fund

Enterprise Fund

Other (Specify)

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for Historic Landmarks. Prior City Council designation of the property as an Historic Landmark is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Director of Finance that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). **The exemption is for a 15-year period but is capped each year at the exemption amount calculated for year one.**

The owners of the following Historic Landmarks submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year, based on HCAD's 2009 property valuation and the City's current property tax rate, and the maximum amount that would be exempt over 15 years:

| Historic Landmarks | Building | Base Value of Improvement | Restoration Investment | Estimated Year-One Exemption | Maximum Exemption over 15 years |
|----------------------|---------------------------------|---------------------------|------------------------|------------------------------|---------------------------------|
| 2232 Brentwood Drive | Joseph H. Russell House | \$ 555,992 | \$ 609,380 | \$ 5,088 | \$ 76,320 |
| 2175 Troon Road | Kendall-Harris House | \$ 522,024 | \$ 609,503 | \$ 4,495 | \$ 67,425 |
| 1046 Harvard Street | Mulcahy House | \$ 80,281 | \$ 127,033 | \$ 713 | \$ 10,695 |
| 3740 Willowick Road | Ben M. Anderson House | \$ 596,275 | \$ 929,645 | \$ 2,934 | \$ 44,010 |
| 3223 Inwood Drive | John & Audrey Jones Beck House | \$ 613,802 | \$ 650,000 | \$11,039 | \$165,592 |
| 2947 Inwood Drive | Dr. Benjamin Weems Turner House | \$ 567,916 | \$ 698,786 | \$ 8,799 | \$198,944 |

Since the properties have been designated as Historic Landmarks, and meet all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marty Stein, Agenda Director
Anna Russell, City Secretary
Arturo Michel, City Attorney

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

[Signature]

Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Ordinances approving Historic Site Tax Exemptions for Landmarks and Protected Landmarks for the two (2) properties located at 1801 Lubbock Street, 77007 and 417 San Jacinto Street, 77002.

Category #

Page 1 of 1

Agenda Item#

82 & 83 ~~28 & 29~~

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Marlene Gafrick, Director
Planning and Development

Origination Date

November 10, 2009

Agenda Date

~~DEC 0 2 2009~~

DIRECTOR'S SIGNATURE:

Michelle Mitchell

Marlene Gafrick

Council Districts affected:

H, I

DEC 0 9 2009

For additional information contact:

Tim Douglass
Julia Gee

Phone: (713) 837-9857

Phone: (713) 837-7828

Date and Identification of prior authorizing Council Action:

Ord. 2007-658, 12/6/2007;
Res. 2009-23, 9/2/09; 2008-06, 3/12/08

RECOMMENDATION: (Summary)

That City Council adopt ordinances approving Historic Site Tax Exemptions for Landmarks and Protected Landmarks for the two (2) properties located at 1801 Lubbock Street, 77007 and 417 San Jacinto Street, 77002., which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required

Finance Budget:

SOURCE OF FUNDING:

General Fund Grant Fund Enterprise Fund Other (Specify)

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for Landmarks and Protected Landmarks. Prior City Council designation of the property as a Landmark and Protected Landmark is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Director of Finance that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). **The exemption is for a 15-year period but is capped each year at the exemption amount calculated for year one.**

The owners of the following Landmarks and Protected Landmarks submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year, based on HCAD's 2009 property valuation and the City's current property tax rate, and the maximum amount that would be exempt over 15 years:

| Landmarks and Protected Landmarks | Building | Base Value of Improvement | Restoration Investment | Estimated Year-One Exemption | Maximum Exemption over 15 years |
|-----------------------------------|--------------------------------|---------------------------|------------------------|------------------------------|---------------------------------|
| 1801 Lubbock Street | Francois and Marie Tajan House | \$ 50,420 | \$ 373,215 | \$ 2,271 | \$ 34,065 |
| 417 San Jacinto Street | Anna Stabe Kerstings Building | \$ 100 | \$ 340,377 | \$ 160 | \$ 2,400 |

Since the properties have been designated as Landmarks and Protected Landmarks, and meet all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marty Stein, Agenda Director
Anna Russell, City Secretary
Arturo Michel, City Attorney

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

[Signature]

Other Authorization:

57-28

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Ordinances approving a Significant Historic Structure Tax Exemption for the four (4) properties located at 305 Travis, 307 Travis, 813 Congress and 910 Prairie, 77002.

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|----------------------------|--------------------|------------------------------|
| Category # 84+87 | Page 1 of 1 | Agenda Item# 30-33 |
|----------------------------|--------------------|------------------------------|

FROM: (Department or other point of origin):

| | |
|---|---|
| Michelle Mitchell, Director Finance Department | Marlene Gafrick, Director Planning and Development |
|---|---|

| | |
|--|---|
| Origination Date November 10, 2009 | Agenda Date DEC 0 2 2009 |
|--|---|

DIRECTOR'S SIGNATURE:

Michelle Mitchell *Marlene Gafrick*

Council Districts affected: 1 **DEC 0 9 2009**

For additional information contact:

| | |
|---------------------------|--|
| Tim Douglass Julia Gee | Phone: (713) 837-9857 Phone: (713) 837-7828 |
|---------------------------|--|

Date and identification of prior authorizing Council Action:

Ord. #2007-658, 12/6/2007
Res. #2008-6, 3/12/08; 2009-18, 6/24/09

RECOMMENDATION: (Summary)

That City Council adopt ordinances approving Significant Historic Structure Tax Exemptions for four (4) properties located at 305 Travis, 307 Travis, 813 Congress and 910 Prairie, 77002, which meet the relevant eligibility requirements of Section 44-29 of the Code of Ordinances.

Amount of Funding: No funding required

Finance Budget:

SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund Other (Specify)

SPECIFIC EXPLANATION:

Section 44-29 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for Significant Historic Structures. The only statutory prerequisite to granting a Significant Historic Structure tax exemption is prior City Council designation of the property as a Significant Historic Structure. The tax exemption applies to ad valorem taxes that would be owed on both land and improvements for the entire duration of the property's compliance as a Significant Historic Structure.

The owners of the following designated Significant Historic Structures submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. Based on HCAD's 2009 property valuation and the City's current property tax rate, the approximate dollar amount of the taxes that will be foregone for the first year of the exemption are shown below:

| Address | Significant Historic Structure | 2009 Taxes | 2009 Appraised Value |
|---------------------|--------------------------------|------------|----------------------|
| 305 Travis Street | Fox – Kuhlman Building | \$2,035 | \$318,682 |
| 307 Travis Street | Fox – Kuhlman Building | \$2,096 | \$328,221 |
| 813 Congress Street | Kennedy Steam Bakery Building | \$ 742 | \$116,282 |
| 910 Prairie Street | Henry Brashear Building | \$ 2,281 | \$357,000 |

Since the properties have been designated as Significant Historic Structures, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-29 of the Code of Ordinances.

cc: Marty Stein, Agenda Director
Anna Russell, City Secretary
Arturo Michel, City Attorney

REQUIRED AUTHORIZATION

| | | |
|--------------------------|---|-----------------------------|
| Finance Director: | Other Authorization: <i>[Signature]</i> | Other Authorization: |
|--------------------------|---|-----------------------------|

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|---|-----------------------|---|--|
| SUBJECT: Ordinance amending Ordinance 2007-534 relating to health benefits for employees of City contractors and responsibility of bidders on certain City contracts | Page 1 of 2 | <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;"> Agenda Item <div style="font-size: 2em; text-align: center;">88-37</div> </td> </tr> </table> | Agenda Item <div style="font-size: 2em; text-align: center;">88-37</div> |
| Agenda Item <div style="font-size: 2em; text-align: center;">88-37</div> | | | |

| | | |
|---|---|---|
| FROM (Department or other point of origin): Mayor's Office of Health and Environmental Policy | Origination Date November 5, 2009 | Agenda Date DEC 0 8 2009 |
|---|---|---|

| | |
|----------------------------------|-----------------------------------|
| DIRECTOR'S SIGNATURE: | Council District affected: |
|----------------------------------|-----------------------------------|

| | |
|--|---|
| For additional information contact: Elena Marks – 832.393.1081 | Date and identification of prior authorizing Council action: Ord. No. 2007-534, May 2, 2007 |
|--|---|

RECOMMENDATION: (Summary)
Approve an ordinance authorizing revisions to the "Pay or Play Program" ordinance

Amount and Source of Funding: N/A

SPECIFIC EXPLANATION: The Pay or Play ("POP") program was initiated as of July 1, 2007 pursuant to Ordinance No. 2007-534. That ordinance described the dual purposes of the program: ensuring a level playing field for contractors who incur the cost of providing health benefits to their employees and accounting for the costs of healthcare for uninsured people that are borne by the City and others. Under the current program, contractors with contracts valued at \$100,000 or more are required to either pay into the Contractor Responsibility Fund \$1 per hour for each hour a full time employee works on a City contract ("pay") OR offer a certain level of health benefits to their full time employees ("play").

The POP program has been successful, with over 250 contracts now enrolled in the program, valued at \$1.48 billion. Data from our first two years show that 49% of our contractors "play", meaning that they offer health benefits to their employees. 29% of our contractors "pay" on behalf of some employees and "play" on behalf of others. Only 15% of our contractors "pay" on behalf of all employees. The Contractor Responsibility Fund has received approximately \$1 million in "pay" funds since 2007. Council approved the use of \$250,000 to partially fund the Telehealth Nurse program operated by the Harris County Healthcare Alliance. Additional appropriations from the Contractor Responsibility Fund will be the subject of Council action in the near future.

The proposed changes to the Pay or Play program are largely non-substantive but provide updates and clarifications based on experience gained while administering the program. The program rules are set out in the Mayor's Executive Order 1-7 (Revised), which substantially conforms to the guidelines set out in the attached policy memorandum. The memo contains a change from the proposal presented at the November 5, 2009 M/WBE, Small Contractor Development and Contract Compliance Committee, which voted to recommend the ordinance. In response to public comment at the Committee, the administration had further discussions with the Houston Contractors Association and has agreed to adjust the policy in response to their concerns by revising the proposed amendment to exempt contractors whose employees decline to participate in the health benefit plan IF the plan requires that the employee pay no more than \$40/month to participate.

CC: Marty Stein; Velma Laws

REQUIRED AUTHORIZATION

| | | |
|----------------------------|-----------------------------|-----------------------------|
| Finance Department: | Other Authorization: | Other Authorization: |
| | | |

POLICY GUIDANCE FOR PAY OR PLAY PROGRAM

BACKGROUND

- Contractors who do not provide health benefits for their workforce impose a burden on agencies that provide health care to uninsured persons and to individuals and businesses whose health insurance premiums increase because of the shifting of costs onto those payers.
- The provision of health benefits is instrumental in attracting and retaining a good workforce and is a characteristic of a responsible contractor.
- The City of Houston intends to enhance fairness in the competition for contracts between contractors that provide a health benefit to their workforce and those that do not.

SCOPE OF PROGRAM

Covered contracts. This Program applies to contracts for services in which the total value of the contract, including contingencies, amendments, supplemental terms and/or change orders equals or exceeds \$100,000. The Program does not apply to (1) any contract in which the primary purpose is the procurement of property, goods, supplies, and/or equipment; (2) an intergovernmental contract; or (3) a contract awarded via an intergovernmental agreement or purchasing cooperative.

Covered subcontracts. This Program applies to subcontracts for services in which the total value of the subcontract, including contingencies, amendments, supplemental terms and/or change orders equals or exceeds \$200,000. The Program does not apply to (1) any subcontract in which the primary purpose of the agreement is the procurement of property, goods, supplies, and/or equipment; (2) an intergovernmental contract; or (3) a contract awarded via an intergovernmental agreement or purchasing cooperative. The contractor is responsible to the City for compliance for covered employees of covered subcontractors.

Covered employees. This program applies to employees of a covered contractor or subcontractor, including contract labor, who are over age 18, work at least 30 hours per week and work any amount of time under a covered city contract or subcontract.

City departments. This program applies to all departments within the City of Houston.

PROCEDURES

Pay. If the contractor elects to comply by paying, the contractor will pay to the City \$1 for each regular hour of work performed by covered employees, including covered employees of covered subcontractors. All payments to the City under this section shall be

deposited in the Contractor Responsibility Fund, which shall be used to defray the costs of providing health care services to uninsured persons in the Houston Area.

Play. If the contractor elects to comply by playing, the contractor/subcontractor will provide health benefits to each covered employee. The health benefits must meet or exceed the following standards: (1) the employer contributes no less than \$150 per covered employee per month toward the cost; and (2) the covered employee contributes, if any amount, no greater than 50% of the cost and no more than \$150 per month toward the cost. A contractor/subcontractor is deemed to have complied with this provision with respect to a covered employee who is not provided health benefits (a) if the employee refuses the benefits and the employee's contribution to the premium is no more than \$40 per month or (b) the employee is covered by a comparable or superior health benefit plan provided by another source.

Pay and Play. A contractor may pay on behalf of some covered employees and play on behalf of other covered employees, including subcontractors' covered employees.

CITY OF HOUSTON, TEXAS, ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NUMBER 2007-534 RELATING TO HEALTH BENEFITS FOR EMPLOYEES OF CITY CONTRACTORS AND RESPONSIBILITY OF BIDDERS ON CERTAIN CITY CONTRACTS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, city council finds that contractors who do not provide health benefits for their employees impose an excessive burden on public agencies that provide health care to uninsured persons in the Houston/Harris County area; and

WHEREAS, the provision of employee health benefits is attracting and retaining good employees and is, in fact, a characteristic of a responsible contractor; and

WHEREAS, city council does not wish to maintain an uneven playing field in the award of city contracts that penalizes responsible contractors for providing health benefits to their employees; and

WHEREAS, the city has collected sufficient data to determine that requiring contractors who do not provide health benefits to their employees to contribute to a public fund established to defray some of the costs of providing health care to uninsured persons in the Houston/Harris County area in order to receive a city contract would level the playing field, reduce the burden on public health care agencies and encourage responsible city contracting;

WHEREAS, on May 2, 2007, city council approved Ordinance No. 2007-534 authorizing the mayor's office to adopt an executive order relating to health benefits for employees of city contractors and responsibility of bidders on certain city contracts;

WHEREAS, city council desires to amend Ordinance No. 2007-534 to update it based upon the city's experience operating under the existing ordinance for two years.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this ordinance are true and correct and that they are hereby adopted.

Section 2. That city council approves the development and adoption by the mayor's office of an executive order requiring city contractors including but not limited to persons and entities who bid or propose on contracts subject to the municipal bid law or other procurement statute, to either

- a. provide and maintain a specified level of health benefits for their employees, or
- b. contribute a designated amount to a fund dedicated to defraying the costs of providing health care to uninsured workers in the Houston/Harris County area.

Bidders and proposers described in Section 2 above must comply with this ordinance in order to be deemed responsible bidders as that term is used in Local Government Code Section 252.043(a). The executive order shall substantially conform to the guidelines set out in the policy memorandum attached to the request for council action that accompanies this ordinance, and shall allow for any adjustments necessary to comply with applicable state law.

Section 3. That the executive order referenced in Section 2 shall be effective for any covered contract for which solicitations for bids or requests for proposals have been issued or advertised after June 30, 2007, or which is executed on or after the effective date of this ordinance.

Section 4. That if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any

reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionally, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 5. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

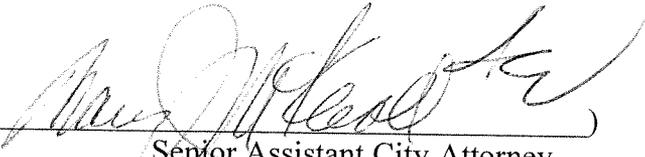
PASSED AND ADOPTED this _____ day of November, 2009.

APPROVED this _____ day of _____, 20____.

Mayor of the City of Houston, Texas

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

City Secretary

(Prepared by Legal Dept. 

(MJM/DBB/11/05/09)

(Requested by Arturo G. Michel, City Attorney)

(L.D. File No.) (0390900541001)

G:\MJM\POP-REV-09ORD.DOC

Senior Assistant City Attorney

SUBJECT: An ordinance approving and authorizing a contract between the City of Houston and Greater Houston Development, Inc., to construct two (2) single family model homes in Trinity Gardens and appropriating funds from TIRZ Affordable Housing Fund 2409.

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| Category # | Page 1 of 1 | Agenda Item # 89 |
|-------------------|-----------------------|----------------------------|

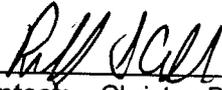
FROM (Department or other point of origin):
Housing and Community Development Department

Origination Date:
11/04/09

Agenda Date:
~~DEC 0 8 2009~~
DEC 0 9 2009

DIRECTOR'S SIGNATURE:

Richard S. Celli, Director



Council District affected:
"B"

For additional information contact: Christon Butler
713-837-7693
Phone:

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary)

The Department recommends approval of an ordinance authorizing a contract between the City of Houston and Greater Houston Development, Inc., to construct two (2) single family model homes in Trinity Gardens and appropriating funds from TIRZ Affordable Housing Fund 2409.

Amount of Funding: \$180,000

Finance Budget:

SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund

Other (Specify) TIRZ FUND 2409

SPECIFIC EXPLANATION:

Greater Houston Development, Inc., ("Greater Houston") is a 501 (c) 3 non profit corporation and a certified Community Housing Development Organization (CHDO). The Housing and Community Development Department (HCDD) proposes providing a total of \$180,000 to Greater Houston in TIRZ funds to assist in the development of two (2) affordable single family model homes in Trinity Gardens. The \$180,000 will be in the form of a secured grant. The TIRZ construction subsidy will be \$90,000 per house. HCDD will require that there be an interim construction lender that finances the entire project cost. At the completion of construction, HCDD will reduce the interim construction loan with the subsidy.

The newly constructed houses will be sold to families whose annual incomes do not exceed 110% of AMI, and who will occupy the property as their principal residence.

The development is consistent with the City's Plan to provide affordable housing for low to moderate income families.

The Department recommends approval of an ordinance authorizing a contract between the City of Houston and Greater Houston Development, Inc., to construct two (2) affordable single family model homes in Trinity Gardens and appropriating funds from TIRZ Affordable Housing Fund 2409.

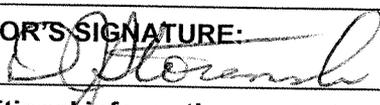
RSC:CB:meb

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

| | | | | |
|--|--|---|---|----------------------------|
| SUBJECT: Edward Byrne Memorial Justice Assistance Grant ARRA Grant Award from State Allocation | | Category 90 | Page 1 of 1 | Agenda Item # 42 |
| FROM (Department or other point of origin): Dennis J. Storemski, Mayor's Office of Public Safety and Homeland Security | | Origination Date: 11/13/2009 | Agenda Date DEC 0 2 2009 | |
| DIRECTOR'S SIGNATURE:  | | Council District affected: All DEC 0 9 2009 | | |
| For additional information contact: Cheryl Murray Phone: 832-393-0929 | | Date and Identification of prior authorizing Council action: | | |

RECOMMENDATION: (Summary) Approval of an ordinance authorizing execution a sub-recipient agreement with the Governor's Criminal Justice Division to accept ARRA funding through the state allocation of Edward Byrne Memorial Justice Assistance Grant funds.

Amount of Funding: \$109,248 **FIN Budget:**

SOURCE OF FUNDING: [] General Fund
[X] Grant Funds: \$109,248 Governor's Criminal Justice Division

SPECIFIC EXPLANATION:
The City of Houston has been awarded \$109,248 in funding through the Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) Program. *Note that this award is from the state formula grant opportunity, not the local formula grant or the national competitive opportunity. Houston received \$7.6 million from the local formula program, and was not awarded funding for its application to the competitive program.*

BACKGROUND
In FY2005, the JAG program was established by combining the previous Byrne and Local Law Enforcement Block Grant (LLEBG) programs. State and local allocations are computed by formulas that include population and Part I violent crime statistics. Of the funds awarded to states, at least 40% must be passed on to local jurisdictions. In Texas, this grant is administered by the Governor's Criminal Justice Division, in partnership with local councils of government (COGs). Each COG accepts, reviews and prioritizes applications before making funding recommendations to the Governor's Office.

Houston sought \$1,024,200 to support the purchase and installation of 300 mobile radios in HPD vehicles. The proposal was initially ranked second highest of all proposals received. However, the HGAC Criminal Justice Advisory Committee elected to dramatically reduce Houston's allocation based on the opinion that it was duplicative of efforts underway with homeland security funding.

Appeals to the HGAC Criminal Justice Advisory Committee, the HGAC Projects Review Committee, the full HGAC board and the Governor's Criminal Justice were unsuccessful.

RECOMMENDATION
It is staff's recommendation that we accept this award to fund the purchase and installation of 32 mobile radios. It is recommended that Council authorize the Mayor to accept the grant, and the director of the Mayor's Office of Public Safety and Homeland Security to act as an authorized official with authority to sign all subsequent documentation. Further, the ordinance certified that in the event of loss or misuse of funds, the City will reimburse the Governor's Criminal Justice Division for the amount in question.

REQUIRED AUTHORIZATION

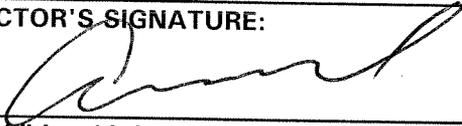
| | | |
|----------------------|-----------------------------|-----------------------------|
| FIN Director: | Other Authorization: | Other Authorization: |
|----------------------|-----------------------------|-----------------------------|

REQUEST FOR COUNCIL ACTION

SUBJECT: Approve an amendment to Ordinance No. 2007-0821 increasing the maximum contract amount and authorizing an Amended contract with Municipal Code Corporation for codification services for City ordinances

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| Page | Agenda Item |
| 1 of 1 | # |
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| FROM (Department or other point of origin): Legal Department | Origination Date 11/9/2009 | Agenda Date DEC 0 2 2009 DEC 0 9 2009 |
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| DIRECTOR'S SIGNATURE:  | Council District affected: N/A |
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| For additional information contact: Alice Wilson Phone: 832-393-6408 | Date and identification of prior authorizing Council action: Ord. No. 2007-821 |
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RECOMMENDATION: (Summary)
Approve an amendment to Ordinance No. 2007-0821, to increase the maximum contract amount to \$190,000, and authorize a first amendment to the City's contract with Municipal Code Corporation for codification services for City ordinances

Amount and Source of Funding:
\$115,000 from General Fund
(\$35,000 FY2010)

SPECIFIC EXPLANATION:
The City Attorney recommends that City Council approve an amendment to Ordinance No. 2007-0821 to increase the maximum contract amount and authorize an amended contract between the City of Houston and Municipal Code Corporation to amend the scope of services of the contract. Under this contract, the contractor assists the City with the publication of the current City Code, which was adopted in 1985 and contains ordinances that are of a permanent nature and of public interest. The City Code is currently published in two loose leaf volumes that have been kept current with the addition of supplements since its adoption. In addition, contractor, on behalf of the City, publishes the electronic version of the City Code on the Internet to provide easy access to City residents.

Several hundred copies of the two loose leaf volumes have been distributed to various offices of City government for use by employees and to the Houston Public Library branches for use by the public. There are also a number of private subscribers, such as law firms and universities, that have purchased sets and pay annual subscription fees for the supplements.

The Legal Department is amending this contract to better reflect the services the City uses to keep the City Code current with supplements and related services used to publish the updated electronic version. The maximum contract amount is being raised to reflect the costs of updating the City Code with supplements, which is subject to substantial fluctuation because the fees are based on the actual number of pages of ordinance text that must be amended or added, which is a function of the number of ordinances adopted by City Council. Over the last two years, such supplementation costs have averaged over \$30,000 per year, and with the addition of \$115,000 authorized by this ordinance, the maximum contract will be \$190,000 to fund services for the next three years, or more.

REQUIRED AUTHORIZATION

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| Other Authorization: | Other Authorization: | Other Authorization: |
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| SUBJECT: Appropriate Additional Funds Professional Engineering Services Contract Walter P. Moore and Associates, Inc. Theater District Parking – Structural Assessment and Repairs WBS No. B-000087-0001-3 | Page 1 of 1 | Agenda Item 9258 |
|---|----------------|---------------------|

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| FROM (Department or other point of origin): General Services Department | Origination Date 11-19-09 | Agenda Date DEC 0 2 2009 |
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| DIRECTOR'S SIGNATURE Issa Z. Dadoush, P.E. <i>Issa Dadoush 11/5/09</i> | Council District(s) affected: 1 | DEC 0 9 2009 |
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| For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832.393.8023 | Date and identification of prior authorizing Council action: Ordinance No. 2006-0530; dated 05/24/2006 |
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RECOMMENDATION: Appropriate additional funds for the project.

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| Amount and Source Of Funding: \$131,000.00 – Convention and Entertainment Construction Fund (8611) | Finance Budget: <i>Mitchell</i> <i>Mitchell</i> |
| Previous Funding: \$121,000.00 – C&E – Civic Center Facility Revenue Fund (8601) | |

SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate an additional amount of \$131,000.00 to the professional engineering services contract with Walter P. Moore and Associates, Inc. to provide additional professional services for the structural repairs to the Theater District Parking Garages for the Convention and Entertainment Facilities Department.

PREVIOUS HISTORY AND PROJECT SCOPE: On May 24, 2006, Ordinance 2006-530, City Council approved a Professional Engineering Services Contract to Walter P. Moore and Associates, Inc. to perform a structural assessment and provide the design for structural repairs to the Theater District Parking Garages. The structural assessment report identified the necessary structural repairs, the associated costs to perform the repairs, and categorized the needed repairs based on priority. The priority concrete repairs were completed in 2008.

PROJECT LOCATION: 511 Rusk (493L)

SCOPE OF WORK: The scope of work for this phase of the project will include repairs to structural columns, stairwells and walls; investigation and repair of reinforcing steel cables within the concrete floor decks; removal and replacement of skylights; joint and crack repair; and addressing waterproofing throughout the garage facility.

M/WBE INFORMATION: The original contract and this additional appropriation have a 20% M/WBE goal. The consultant will utilize the certified firms referenced in the original contract to achieve the goal. The work completed to date did not provide subcontracting opportunities because the scope did not include destructive concrete investigation or geotechnical services, which relate to the M/WBE participation. However, it is anticipated the consultant will achieve the M/WBE goal with this phase of the project.

IZD:HB:MCP:JLN:JJR:jr *JLN*

cc: Marty Stein, Jacquelyn L. Nisby, Esq., Calvin R. Curtis, Yvette Burton, Christopher Gonzales, Deyanira Rodriguez

REQUIRED AUTHORIZATION CUIC ID# 25DSGN46 NDT

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| General Services Department: <i>Humberto Bautista</i> Humberto Bautista, P.E. Chief of Design & Construction Division | Convention and Entertainment Facilities Department: <i>Dawn R. Ullrich</i> Dawn R. Ullrich Director |
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TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION**

SUBJECT:

Developer Participation Contract for 100% Reimbursement for Paving in Settegast between the City of Houston and CFG TX GP, LLC WBS P-001002-0001-4

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1 of 1

Agenda Item
#

93 #

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

11-23-09

Agenda Date

~~DEC 02 2009~~

DIRECTOR'S SIGNATURE

Michael S. Marcotte, P.E., D.WRE, BCEE

Council District affected:

B

DEC 09 2009

For additional information contact:

Ann Marie Stone Sheridan 713-837-9142

Date and identification of prior authorizing Council action: none

RECOMMENDATION: (Summary)

Adopt ordinance approving Developer Participation Contract with CFG TX GP, LLC for Reimbursement for Paving Design and Construction in Settegast and appropriate funds.

Amount and Source of Funding:

\$592,728.00 TIRZ Affordable Housing Fund 2409

SPECIFIC EXPLANATION:

The principle objective of this reimbursement is to support the construction of streets in Settegast, a neighborhood in northeast Houston. Settegast is a platted but undeveloped neighborhood that has been designated as a HOPE neighborhood. It was originally platted in 1913 and the lots were sold prior to the provision of any public infrastructure including streets, drainage, water, and sewer service. Without these services, the individual lot owners were unable to construct homes and the neighborhood has remained undeveloped with portions used for illegal dumping for over 95 years.

CFG TX GP, LLC has purchased 38 lots in Settegast and has agreed to advance the funding for the public infrastructure required for development of a 162-lot section. The City will reimburse CFG TX GP, LLC for design and construction of water, wastewater, and storm sewer infrastructure under a standard form Developer Participation Contract, as authorized by Chapter 47, Article IV of the Code of Ordinances.

In order to facilitate construction of paved roads for the 162-lot section, the Public Works and Engineering Department requests Council approve a Developer Participation Contract for paving, by which the City will reimburse CFG TX GP for 100% of the costs to design and construct roads for the entire section. Although CFG TX GP, LLC owns less than one-quarter of the lots, the developer agrees to advance the funding for infrastructure that will serve all 162 lots, which will facilitate development on the remainder of the lots.

CFG TX GP will be required to design and build the streets to City of Houston standards and will dedicate all infrastructure to the City, once PWE inspects and accepts it.

Attachments

cc:

Susan Bandy
Chris Butler

REQUIRED AUTHORIZATION

20UPA6

Other Authorization:



Andrew F. Icken, Deputy Director
Planning and Development Services

Other Authorization:

Finance Department

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

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|---|-------------------|-------------|----------------------|
| SUBJECT: Amendment No. 2 to Parking Operations and Management Concession Agreement between the City of Houston and New South Parking - Texas | Category # | Page | Agenda Item # |
| | 94 | 1 of 3 | 106-48 |

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| FROM (Department or other point of origin): Houston Airport System | Origination Date October 26, 2009 | Agenda Date NOV 18 2009 |
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| DIRECTOR'S SIGNATURE: <i>Am Fae</i> <i>Eric R. Potka</i> | Council District affected: B, E, and I | DEC 02 2009 DEC 09 2009 |
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| For additional information contact: Janet L. Schafer <i>JS</i> Phone: 281-233-1796 Chanda Felder <i>CF</i> 281-233-1578 | Date and identification of prior authorizing Council action: 8/24/04 (O) 2004-0888 12/8/99 (O) 1999-1292 |
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|--|--------------|-------------------------|----------------|-----|-------|------------|-------------------------|--|-----------|--------------|----------------|--|-----------|--------------|-------------------------|--|-------|--------------|-------------------------|--|-------------------------------------|
| AMOUNT & SOURCE OF FUNDING: <table border="0"> <tr> <td>FY 10</td> <td>\$4,948,958</td> <td>Concession Fee</td> <td>INW</td> </tr> <tr> <td>FY 10</td> <td>\$ 147,000</td> <td>Supplemental Allocation</td> <td></td> </tr> <tr> <td>Out Years</td> <td>\$86,752,695</td> <td>Concession Fee</td> <td></td> </tr> <tr> <td>Out Years</td> <td>\$ 2,604,050</td> <td>Supplemental Allocation</td> <td></td> </tr> <tr> <td>Total</td> <td>\$94,452,703</td> <td>HAS Revenue Fund (8001)</td> <td></td> </tr> </table> <p>Plus an annual performance incentive fee up to .5% of parking revenues</p> | FY 10 | \$4,948,958 | Concession Fee | INW | FY 10 | \$ 147,000 | Supplemental Allocation | | Out Years | \$86,752,695 | Concession Fee | | Out Years | \$ 2,604,050 | Supplemental Allocation | | Total | \$94,452,703 | HAS Revenue Fund (8001) | | Prior appropriations: N/A |
| FY 10 | \$4,948,958 | Concession Fee | INW | | | | | | | | | | | | | | | | | | |
| FY 10 | \$ 147,000 | Supplemental Allocation | | | | | | | | | | | | | | | | | | | |
| Out Years | \$86,752,695 | Concession Fee | | | | | | | | | | | | | | | | | | | |
| Out Years | \$ 2,604,050 | Supplemental Allocation | | | | | | | | | | | | | | | | | | | |
| Total | \$94,452,703 | HAS Revenue Fund (8001) | | | | | | | | | | | | | | | | | | | |

RECOMMENDATION: (Summary)
 Enact an ordinance authorizing Amendment No. 2 to Parking Operations and Management Concession Agreement between the City of Houston and New South Parking – Texas at George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU) and Ellington Airport (EFD).

SPECIFIC EXPLANATION: The existing Parking Operations and Management Concession Agreement was awarded to Central Parking of Texas, Inc. on December 8, 1999, for a term of five (5) years, and was subsequently assigned to New South Parking-Texas ("New South Parking"), a joint venture of Central Parking of Texas, Inc. and Burns Management Group. Amendment No. 1, approved August 24, 2004, extended the term of the agreement by three (3) years plus two (2) one-year options in exchange for additional capital investment of \$2,527,414.

Since the commencement of this agreement, New South Parking has invested \$5.6M in capital improvements, including designing and installing parking revenue control systems, re-branding the City Economy Lot to Parking Cents and introducing automation to the Houston Airport System (HAS) with InstaPark and Express Exit lanes. They have also saved the airports approximately \$3M annually in operating expenses.

This agreement is being extended to derive the most value for HAS by maximizing new capital investment, achieving cost savings while implementing green initiatives and utilizing the experience of the largest parking services provider in North America as described below:

1. Maximize Capital Investment – A survey of the top US airports was performed by HAS to determine the industry best practice in contracting for parking operations. The survey revealed that the majority of airports enter into long term relationships with a parking operator (14 - 20 + years). This is typically done by extending contracts in

REQUIRED AUTHORIZATION

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| Finance Department: | Other Authorization: | Other Authorization: |
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| Date October 26, 2009 | Subject: Amendment No. 2 to Parking Operations and Management Concession Agreement between the City of Houston and New South Parking - Texas | Originator's Initials | Page 2 of 3 |
|---------------------------------|---|------------------------------|-----------------------|

exchange for commitments to invest additional capital. The airports that extended their contracts generally secured more capital investment than those that issued an RFP. Furthermore, those airports that did issue an RFP often selected the incumbent operator, but with less capital investment than those that extended their contracts. On this basis, HAS has negotiated a contract extension with New South Parking in exchange for a commitment to invest \$3,047,977 in new capital – as much as any other airport received in our survey. The \$3,047,977 investment will be spent to construct covered parking spaces at IAH, create a new economy lot at HOU, convert to a CNG shuttle bus operation, install energy-efficient lighting and implement other improvements. Together these improvements are anticipated to generate \$1.7M more in revenue annually for HAS.

2. Cost Savings versus Another Parking Operator – New South Parking will convert the existing fleet of shuttle buses to Compressed Natural Gas (CNG) shuttle buses. This “Green” initiative will require an estimated \$735,000 in conversion costs that will be funded by grants available to the current operator (New South Parking). The Texas GLO grant requires that the shuttles to be converted must have been in use for a minimum of two years before the conversion. Another operator would likely not qualify for the grant, requiring HAS to fund the cost or elect to not convert to CNG. We will also save another \$165,000 that would be required to replace New South Parking’s bus maintenance shop, and other conversion costs.
3. New South Parking Experience - New South Parking is the successful 15 year joint venture partnership between Central Parking, North America’s largest parking services provider and Global Parking, an Airport Concession Disadvantaged Business Enterprise (ACDBE) company with a 30% interest. New South/Central Parking operates at 23 airports, including seven of the largest (Miami, Washington-Dulles, Los Angeles, Detroit, San Francisco, Ft. Lauderdale, and Houston). New South Parking has strived to provide HAS with the most current technology to streamline processes, provide superior customer service and has been a factor in helping HAS achieve revenue growth in the past. Extending the contract guaranties that our Parking operation is backed by an experienced operator and one that is familiar with our specific operation.

The pertinent terms and conditions of Amendment No. 2 are as follows:

1. Term: Five (5) additional years beginning on January 29, 2010 and expiring January 28, 2015, with an option by the Director to extend for two (2) one-year options.
2. Capital Investment: New South Parking has committed to expend \$3,047,977 as additional capital investment for the following:

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| - IAH Parking Cents Covered Parking | \$1,442,465 |
| - HOU new Parking Cents Lot | \$ 336,000 |
| - Energy Efficient Lighting @ HOU & IAH Term A&B | \$ 255,716 |
| - Signage Upgrade | \$ 472,846 |
| Entrance & Exit Variable Messaging Signs (VMS) | |
| HOU Space Count by Level Signs | |
| - Revenue Control / Infrastructure Upgrades | \$ 540,950 |
| Total | <u>\$3,047,977</u> |

If actual investment is less than \$3,047,977, the difference shall be paid to the City.

Date
October 26, 2009

Subject: Amendment No. 2 to Parking Operations and Management Concession Agreement between the City of Houston and New South Parking - Texas

**Originator's
Initials**

**Page
3 of 3**

3. Annual Concession Fee to be retained by New South Parking as a daily deduction from parking receipts:

| | <u>Concession Fee</u> | <u>Projected HAS Gross Revenue</u> |
|---|-----------------------|--|
| - During the eleventh anniversary period | \$11,806,336 | \$75,400,000 |
| - During the twelfth anniversary period | \$12,671,896 | \$75,700,000 |
| - During the thirteenth anniversary period | \$12,751,635 | \$87,500,000 |
| - During the fourteenth anniversary period | \$13,061,599 | \$90,300,000 |
| - During the fifteenth anniversary period | \$13,643,415 | \$101,300,000 |
| - During the first year of the option period | \$13,745,964 | \$104,300,000 |
| - During the second year of the option period | \$14,020,808 | \$107,400,000 |

Plus an annual performance incentive fee up to .5% of parking revenues based on customer service, operations efficiency, management performance, and responsiveness to HAS management in accordance with specifications outlined in the contract.

In instances where there may be certain service enhancements that are of such a significant and material nature, that it would necessitate additional consideration for Concessionaire in the form of an increase in the Concession Fee, the Director shall determine whether the service enhancement warrants additional Concession Fees. The Concession Fee may be increased by an amount not in excess of three percent (3%) of the Concession Fee.

All other terms and conditions of the Agreement will remain unchanged, including 15% ACDBE participation goal. Currently, New South Parking is achieving 30.2% ACDBE participation on a 15% goal.